



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict of Interest Code — Notice File No. Z2009-0901-10 1505

MULTI-COUNTY: Capitol Valley Regional Services Authority for Freeways and Expressways (SAFE)

TITLE 2. SECRETARY OF STATE

Ballot Designations — Notice File No. Z2009-0901-09 1506

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Diaprepes Root Weevil Interior Quarantine — Notice File No. Z2009-0901-21 1509

TITLE 8. AGRICULTURAL LABOR RELATIONS BOARD

Exculpatory Evidence/Voter Eligibility Exclusions — Notice File No. Z2009-0901-02 1510

TITLE 10. DEPARTMENT OF INSURANCE

Low Cost Automobile Insurance — Notice File No. Z2009-0828-01 1513

TITLE 10. DEPARTMENT OF INSURANCE

Workers' Compensation Pure Premium Rates — Notice File No. Z2009-0901-01 1516

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Foreign Organization License Plates — Notice File No. Z2009-0826-01 1521

TITLE 14. FISH AND GAME COMMISSION

Commercial Take of White Seabass — Notice File No. Z2009-0901-06 1522

TITLE 14. FISH AND GAME COMMISSION

Hybrid Animals and Plants — Notice File No. Z2009-0901-05 1524

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

\$1500 Retirement Incentive for Low-Income Vehicle Owners — Notice File No. Z2009-0831-01 1526

TITLE 16. MEDICAL BOARD OF CALIFORNIA

Disciplinary Guidelines — Notice File No. Z2009-0901-03 1530

(Continued on next page)

***Time-
Dated
Material***

TITLE 22. CALIFORNIA COMMISSION ON AGING	
<i>Conflict of Interest Code — Notice File No. Z2009–0828–02</i>	1533

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT	
<i>Account Manual and Patient Data Revision Regulations — Notice File No. Z2009–0901–22</i>	1533

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	
<i>Uniform Multifamily Housing Program — Notice File No. Z2009–0901–23</i>	1537

GENERAL PUBLIC INTEREST

CALIFORNIA GAMBLING CONTROL COMMISSION	
<i>Notice of Scheduling and Extension of Public Comment Period Regarding Assistance to Bingo Players with Disabilities</i>	1540

DEPARTMENT OF FISH AND GAME	
<i>Recovery Actions for California Black Rail</i>	1540

DEPARTMENT OF FISH AND GAME	
<i>Recovery Actions for California Black Rail</i>	1541

DEPARTMENT OF FISH AND GAME	
<i>Fishery Surveys of the Lower Colorado River, including Razorback Sucker</i>	1542

DEPARTMENT OF PUBLIC HEALTH	
<i>Preventive Health and Health Services Block Grant</i>	1543

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>TEF Scheme for Dioxin</i>	1543

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Correction to the List of Chemicals as Known to the State of California to Cause Cancer or Reproductive Toxicity</i>	1544

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemicals as Known to the State to Cause Cancer or Reproductive Toxicity</i>	1562

DECISIONS NOT TO PROCEED

BUILDING STANDARDS COMMISSION	
<i>Decision not to Proceed with Rulemaking Action (CBSC–Green Building Standards Code)</i>	1562

(Continued on next page)

BUILDING STANDARDS COMMISSION	
<i>Decision not to Proceed with Rulemaking Action (CBSC–Green Building Standards Code)</i>	1562
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	
<i>Decision not to Proceed with Rulemaking Action (CGBC–Green Building Standards Code)</i>	1563
DIVISION OF THE STATE ARCHITECT	
<i>Decision not to Proceed with Rulemaking Action (CSA–Access Compliance)</i>	1563
DIVISION OF THE STATE ARCHITECT	
<i>Decision not to Proceed with Rulemaking Action (DSA–Structural Safety)</i>	1563
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT	
<i>Decision not to Proceed with Rulemaking Action (CGBC–Green Building Standards Code)</i>	1563
OAL REGULATORY DETERMINATION	
DEPARTMENT OF MENTAL HEALTH	
<i>Special Order Number 239.02, Titled Contraband</i>	1564
SUMMARY OF REGULATORY ACTIONS	
Regulations filed with the Secretary of State	1567
Sections Filed, April 1, 2009 to September 2, 2009	1569

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: CAPITOL VALLEY REGIONAL SERVICE AUTHORITY FOR FREEWAYS & EXPRESSWAYS (SAFE)

SACRAMENTO AREA COUNCIL OF GOVERNMENTS

A written comment period has been established commencing on **September 11, 2009**, and closing on **October 26, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Sevilla, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **October 26, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Sevilla, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. SECRETARY OF STATE

NOTICE OF PROPOSED RULEMAKING

CALIFORNIA CODE OF REGULATIONS

TITLE 2. DIVISION 7. CHAPTER 7.

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt a regulation and amend other regulations as described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Secretary of State proposes the following regulatory action: Adopt Section 20714.5 and amend Sections 20711, 20712, 20714, 20716, 20717, 20718, and 20719, of Chapter 7 of Division 7 of Title 2 of the California Code of Regulations.

AUTHORITY AND REFERENCE

Authority cited: Section 12172.5, Government Code; Section 13107.5, Elections Code. Reference: Sections 13107, 13107.3, and 13107.5, Elections Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Elections Code sections 13107 through 13107.5 establish the statutory framework for the ballot designation by a candidate in a California public office election. Section 12172.5 of the Government Code gives the Secretary of State authority to adopt regulations to assure the uniform application and administration of state election laws. In Elections Code section 13107.5, the Legislature directed the Secretary of State to adopt reg-

ulations defining what constitutes a “community volunteer.”

The proposed regulation and amendments to existing regulations were drafted for consistency with the Elections Code and with the goal of providing clearer rules and instructions for ballot designations. These changes help clarify and streamline the ballot designation review process for both elections officials and candidates. It is our goal to have these regulations filed and effective before the candidate-filing period for the June 8, 2010, Primary Election.

1) The proposed amendments to Section 20711 are intended to comply with Elections Code section 13107.3(a), which states that, “Each candidate who submits a ballot designation pursuant to subdivision (a) of Section 13107 shall file, in addition to the nomination documents filed pursuant to section 8020, a ballot designation worksheet that supports the use of that ballot designation by the candidate, in a format prescribed by the Secretary of State.” (Added by Stats. 2007, c. 505, §2.) Previously, the filing of the ballot designation worksheet was optional, but section 13107.3 was amended to make filing of the worksheet mandatory. Section 20711 is being amended to reflect this change in the law. The amendment further clarifies that if a change is requested to a ballot designation, a Ballot Designation Worksheet must accompany the change request.

2) The proposed amendment to Section 20712 is intended to interpret Elections Code sections 13107(a)(1) and (3) and provide specific guidelines for ballot designations indicating a position of legislative leadership or leadership in another elected body. While not allowed under section 13107(a)(1), non-elective office titles may be considered under Section 13107(a)(3), however they will be subject to the three-word limit. Examples are now included.

3) The proposed amendments to Section 20714 are intended to interpret Elections Code section 13107(a)(3) and provide specific guidelines for the terms “profession,” “vocation,” and “occupation” as those terms are used in Section 13107. Specifically, the definition of “profession” has been expanded to no longer require “specific” knowledge or be “of learning or science.”

Use of a hyphen in the ballot designation when the word appears in a dictionary is further clarified to reference a dictionary that is now published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted. This provision was amended to mirror the language set forth in Elections Code section 9.

Examples of special districts and political subdivisions that are not acceptable are now included.

Rules regarding the use of an elective office with another profession, vocation, or occupation have been clarified to be allowable under Section 13107(a)(3), but subject to the three-word limit. Examples are now provided.

4) Proposed Section 20714.5 is intended to comply with Elections Code section 13107.5(b), which states that, "The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section." (Added by Stats. 2002, c. 364, §1.) Specifically, "community volunteer" is defined as a person engaging in activity for an organization that is tax-exempt pursuant to Internal Revenue Code section 501(c)(3), a governmental agency, or an educational institution. The level of activity is clarified as substantial involvement for which there should be no monetary profit.

5) The proposed amendments to Section 20716 are intended to comply with Elections Code section 13107(a)(3) and provide specific guidelines for activities that are distinguished from professions, vocations, and occupations, and therefore not acceptable as ballot designations. Specifically, this section now allows a candidate to use his or her volunteering activities as a ballot designation if those activities meet the requirements set forth in Section 20714.5.

This section also provides further examples of unacceptable statuses, adding "veteran, proponent, reformer, scholar, founder, and philosopher."

This section would also comply with Elections Code section 13107(b)(2) and provide specific further examples of unacceptable ballot designations, which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities, or character, adding "senior," "emeritus," "specialist," and "magnate."

The proposed amendments to this section also comply with Elections Code section 13107(b)(4) and provide specific guidelines for use of the word "retired" in a ballot designation. Ballot designations indicating a retired public official are only allowed when the candidate has previously voluntarily retired, was not removed, not recalled, and did not surrender office to seek another office or fail to win reelection to the office. Furthermore, "retired" cannot be used if the candidate has a more recent, intervening principal profession, vocation, or occupation.

Finally, a correction to an erroneous Elections Code citation is included in Section (k).

6) The proposed amendments to Section 20717 are intended to comply with Elections Code section 13107.3, which was amended to require that a Ballot Designation Worksheet be filed with the Secretary of

State's office and changes the language of the regulation to make such a filing a requirement.

This section was also amended to remove the reference to a summary decision of a proposed ballot designation. Only final decisions are made.

7) The proposed amendments to Section 20718 are intended to comply with Elections Code section 13107(c) and provide specific guidelines for communication of decisions regarding ballot designations. Specifically, an official copy of the decision on the ballot designation will only be made in writing if the candidate's proposed ballot designation has been rejected. At the request of the candidate, a copy of the decision will now be emailed or faxed to the candidate, as opposed to overnight delivery.

8) The proposed amendments to Section 20719 are intended to comply with Elections Code section 13107 and provide specific guidelines for service of legal process regarding ballot designations. Specifically, a section has been added clarifying that the Secretary of State shall be named as respondent in any legal actions pertaining to a ballot designation of a candidate for an office listed in Elections Code section 15375, except for candidates for judge of the superior court.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Secretary of State has made the following initial determinations:

1. **Mandate on local agencies and school districts:** None.
2. **Cost or savings to any state agency:** None.
3. **Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None.
4. **Other nondiscretionary cost or savings imposed on local agencies:** None.
5. **Cost or savings in federal funding to the state:** None.
6. **Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:** None.

The proposed regulation and amendments to existing regulations merely propose to implement, interpret or make specific existing requirements and procedures for ballot designations as set forth in the Elections Code. The proposed regulation and amendments to existing regulations, therefore, have no impact directly affecting business.

7. **Cost impacts on a representative private person or business:** None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
8. **Adoption of these regulations will not:**
 - (A) create or eliminate jobs within California;
 - (B) create new businesses or eliminate existing business within California;
 - or
 - (C) affect the expansion of businesses currently doing business within California.
9. **Significant effect on housing costs:** None.
10. **Effect on small business:** None. This proposed regulation and amendments to existing regulations merely propose to implement, interpret or make specific existing requirements and procedures for ballot designations as set forth in the Elections Code.

The proposed regulation and amendments to existing regulations, therefore, have no impact directly affecting small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Secretary of State's office must determine that no reasonable alternative has been identified that would be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Secretary of State invites persons to present statements or arguments with respect to alternatives to the proposed regulation and the proposed amendments during the written comment period.

CONTACT

Any inquiries should be made to Robbie Anderson, Secretary of State's office, 1500 11th Street, 5th Floor, Sacramento, CA 95814; telephone (916) 653-1690; e-mail robbie.anderson@sos.ca.gov. Back-up contact: Rachelle Sanchez, Secretary of State's office, 1500 11th Street, 5th Floor, Sacramento, CA 95814; telephone (916) 651-6971; e-mail rachelle.sanchez@sos.ca.gov.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Secretary of State's

office. Written comments concerning the proposed rulemaking must be received by 5:00 p.m. on October 26, 2009. The Secretary of State's office will consider only comments received by that time. Submit written comments to the contact indicated below.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Secretary of State's office will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the address indicated below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed regulations, and the initial statement of reasons. The initial statement of reasons includes the express terms of the proposed action and the information upon which the proposed action is based. Copies are posted on the Secretary of State's web site at www.sos.ca.gov/elections and may also be obtained from the contact indicated below.

AVAILABILITY OF THE TEXT IN PLAIN ENGLISH

The text of the proposed regulations is available in plain English from the contact person indicated below.

PUBLIC HEARING

The Secretary of State has not scheduled a public hearing on this proposed rulemaking. The Secretary of State will hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days before the close of the written comment period. Any request for a public hearing should be sent within the time specified to the contact person indicated below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Secretary of State's office may adopt the proposed regulations substantially as described in this notice. If the Secretary of State's office makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Secretary of State's office adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact indicated below. The Secretary of State's

office will accept written comments on the modified regulations for 15 days after the date on which they are made available generally.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained from the contact person indicated above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to repeal Section 3279, West Indian Sugarcane Root Borer Exterior Quarantine and Section 3433, Diaprepes Root Weevil Interior Quarantine, in Title 3 of the California Code of Regulations.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before October 26, 2009.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The proposed repeal of Section 3279, West Indian Sugarcane Root Borer Exterior Quarantine, and Section 3433, Diaprepes Root Weevil Interior Quarantine, will remove authority for the State to conduct quarantine activities against *Diaprepes abbreviatus*.

The effect of the amendment is to remove authority for the State to regulate the movement of the articles and commodities covered that may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Sections 3279 and 3433 do not impose a mandate on local agencies or school districts. No reimbursement is required for Sections 3279 and 3433 under Section 17561 of the Government Code.

The Department also has determined that the repeal of these regulations will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the repeal of these regulations on a representative private person or business is not expected to be significantly adverse. The Department does not know of additional costs a representative person or business would incur in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create

or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to repeal Sections 3279 and 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet web-site (www.cdfa.ca.gov/phpps/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of repeal by contacting the agency officer (contact) named herein.

TITLE 8. AGRICULTURAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED REGULATORY ACTION TO AMEND TITLE 8, SECTIONS 20236 AND 20352

September 11, 2009

Notice is hereby given that the Agricultural Labor Relations Board (ALRB or Board), pursuant to the authority vested in it by section 1144 of the Labor Code to make, amend, or rescind rules and regulations as may be necessary to implement, interpret, and make specific the provisions of the Agricultural Labor Relations Act (ALRA) (Labor Code sec. 1140, et seq.), proposes to amend section 20236, subdivision (d), and section 20352, subdivision (b)(5), of its regulations. The Board's regulations are codified in Title 8, California Code of Regulations, section 20100, et seq. The proposed amendments are described below in the Informative Digest. An initial statement of reasons for the amendment of these regulations, along with the text of proposed amendments, has been prepared by the ALRB and is available upon request by contacting J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 915 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov or Joseph A. Wender, Jr.,

Senior Board Counsel, same address and fax number as above, (916) 651-7620, e-mail: jwender@alrb.ca.gov. This notice, as well as the initial statement of reasons and text of the proposed regulation, also may be found on the Board's website at www.alrb.ca.gov. The final statement of reasons, once it has been prepared and submitted to the Office of Administrative Law, shall be available in the same manner as the initial statement of reasons.

The ALRB invites all interested persons to submit written comments on the proposed amendments. Comments must be received at ALRB headquarters at the address listed above by 5:00 p.m. on October 26, 2009. A public hearing is not scheduled. However, any interested person or his or her duly authorized representative may submit, in writing, no later than October 13, 2009, a request that a public hearing be held on the proposed amendments.

ADOPTION OF PROPOSED REGULATION

After the comment period closes, and a hearing, if requested, is held, the Board will consider all public comment, written and oral, and decide whether to make any changes to the proposed amendments. The Board may adopt the proposed amendments if no substantial changes are made. If the Board decides to make substantial changes that are "sufficiently related" to the initial proposals, the public will be given notice of those changes and will be given at least 15 days to provide comment. If the Board decides to make "major" changes to the proposals that are "not sufficiently related to" the initial proposals, a new notice of proposed action will issue allowing for a new 45-day comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 20236. Matters Discoverable

Regulation 20236, subdivision (d) presently requires that the General Counsel, upon request, disclose to respondents any evidence which is "purely and clearly exculpatory." The discovery provisions in the Board's regulations are a codification of the rules set forth in *Giumarra Vineyards Corporation* (1977) 3 ALRB No. 21. Early in the *Giumarra* decision, the Board referred simply to "exculpatory evidence," which is the common phraseology used in other statutes. On page 10 of *Giumarra*, the Board first used the "purely and clearly" language, but followed that with a sentence suggesting that the intent was to allow the withholding of worker statements that also contained incriminatory evidence. Without explanation in the rulemaking file, which cites

only the *Giumarra* case as the rationale for the regulation, this limiting language did not make it into the regulation. Standing alone, it is not clear whether the "purely and clearly" phrase is intended to have any legal significance and, if so, how it varies from simply "exculpatory" evidence. Moreover, the existing language literally applies to all evidence, while the intent expressed in *Giumarra* was that the "purely and clearly" qualification applied only to statements of potential agricultural employee witnesses. This lack of clarity carries the potential for creating confusion and unnecessary discovery disputes. In order to clarify the regulation, it is proposed that the phrase "purely and clearly" be deleted and language be added that expressly allows the withholding of worker statements that also include incriminatory evidence. This change would better track the language of *Giumarra Vineyards Corporation*.

Amend Section 20352. Eligibility

A main function of the Agricultural Labor Relations Board (ALRB or Board) is to conduct elections to determine if agricultural employees wish to select a labor organization as their exclusive collective bargaining representative. Title 8, California Code of Regulations, section 20352, subdivision (b)(5), excludes from eligibility in those elections the "parent, child, or spouse of the employer or of a substantial stockholder in a closely held corporation which is the employer." In *Artesia Dairy* (2007) 33 ALRB No. 6, the Board held that "child" included foster children that had been integrated into the family and treated no differently than the employer's six natural children. In a previous case, *Pete Vanderham Dairy, Inc.* (2002) 28 ALRB No. 1, the Board had explained that the exclusion of children of the employer is grounded in "the unremarkable proposition that the children of the employer are so closely and inherently aligned with the interests of management, like managers and supervisors, that they cannot be considered employees for collective bargaining purposes." Thus, the exclusion was based on the nature of the relationship to the employer.

Artesia Dairy engaged in a technical refusal to bargain in order to challenge this and other Board rulings on challenged ballots and sought review in the 5th District Court of Appeal. The Court reversed the Board's determination as to the three foster children, finding that they were eligible voters because they did not fall within what the Court called the "plainly defined" ineligible category of "children" set forth in the Board's regulation. Therefore, the Court ordered that the ballots of the three nephews be opened and counted. (*Artesia Dairy v. ALRB* (2008) 168 Cal. App 4th 598.)

The term "child" is not defined in the regulation, nor had it been defined by the Board in previous decisions. Nor was it been defined by the Court in its opinion.

Presumably, the Court concluded that “child” meant only biological children, although it did not explicitly state this. There is no logical reason to exclude from voter eligibility biological children, but not exclude those with equivalent relationships to the employer, such as adopted children, stepchildren, or foster children. This is particularly true in light of the Board’s previous explanation for the purpose of the exclusion, with its focus on the nature of the relationship to the employer.

Therefore, the Board proposes to amend the regulation to provide an express definition of “child” to avoid interpretive issues in the future. The terms “parent” and “spouse” also presently are not defined. In order to avoid interpretative issues as to those terms, the Board also proposes to define these terms. For “child” and “parent,” the Board proposes to include within the definitions all those who have a relationship that is equivalent to that of biological children and parents. Similarly, in light of section 297.5, subdivision (a), of the Family Code, which provides to registered domestic partners the same legal rights and responsibilities as are granted to or imposed upon spouses, the Board proposes to clarify that “spouse” includes registered domestic partners.

RULEMAKING FILE

Pursuant to Government Code sections 11346.5 and 11347.3, the Board shall maintain a rulemaking file containing all materials considered in the rulemaking process.

The file currently contains:

1. A copy of this notice
2. A copy of the Initial Statement of Reasons
3. Text of the Proposed Amendments to Sections 20236 and 20352

As other materials are received, such as written comments, studies, reports, etc., they will be added to the rulemaking file. The file is available for inspection at the headquarters office of the ALRB, 915 Capitol Mall, Third Floor, Sacramento, CA, during normal business hours.

ALTERNATIVES TO PROPOSED ACTION

The Administrative Procedure Act requires that the Board, in taking any regulatory action, determine that no alternative considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

LOCAL MANDATE STATEMENT

The proposed regulatory changes would not impose any mandate on local agencies or school districts.

IMPACT STATEMENTS

- A. Estimated fiscal impact on local government or school districts: None.
- B. The proposed changes would result in no cost or savings to any state agency, or cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, nor impose other nondiscretionary cost or savings on local agencies or affect cost or savings in federal funding.
- C. Fiscal effect on private persons or businesses directly affected: No increase in costs. The ALRB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- D. The proposed changes would have no effect on small business because the changes impose no new burdens upon parties appearing before the Board.
- E. The proposed changes would have no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- F. The proposed changes would have no effect on the creation or elimination of jobs within the State of California, no effect on the creation of new businesses or the elimination of existing businesses within the State of California, and no effect on the expansion of businesses currently doing business within the State of California.
- G. The proposed changes would have no effect on housing costs.

INQUIRIES

Any inquiries concerning any aspect of the proposed regulatory action noticed herein should be directed to J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 915 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov or Joseph A. Wender, Senior Board Counsel, same address and fax number as above, (916) 651-7620, e-mail: jwender@alrb.ca.gov. Questions concerning the substance of the proposed amendments may be directed to Mr. Wender.

**TITLE 10. DEPARTMENT OF
INSURANCE**

**45 Fremont Street, 21st Floor
San Francisco, California 94105**

REG-2009-00018

September 11, 2009

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING
REGARDING LOW COST AUTOMOBILE
INSURANCE PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Steve Poizner will hold a public hearing to consider revisions to the California Low Cost Automobile ("CLCA") Insurance Plan of Operations. The purpose of the revisions is to update the Plan of Operations to make the Plan consistent with existing rules and policies. The CLCA Plan of Operations is approved by the Commissioner and incorporated by reference within California Code of Regulations, Title 10, Chapter 5, Section 2498.6.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes changes to the California Automobile Insurance Low Cost Program Plan of Operations, referenced in Title 10, Chapter 5, Subchapter 3, Article 8, Section 2498.6 of the California Code of Regulations, pursuant to the authority vested in him by California Insurance Code Sections 11620, 11629.7 and 11629.79. The purpose of these amendments is to implement, interpret, and make specific the provisions of California Insurance Code Sections 11629.7 and 11629.77.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations at the following date, time, and place:

Date and Time: **November 12, 2009
10:00 a.m.**

Location: **45 Fremont Street
22nd Floor Hearing Room
San Francisco, California 94105**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Bryant Henley, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
henleyb@insurance.ca.gov
Telephone: (415) 538-4111
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Michael Riordan, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on November 12, 2009**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons

must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW

California Insurance Code Sections 11629.7 through 11629.85 set forth, within the California Automobile Assigned Risk Plan established under Section 11620 of the Insurance Code, a statewide Low Cost Automobile Insurance Program.

Because the program is established and administered through the California Automobile Assigned Risk Plan ("CAARP"), CAARP procedures are applied where appropriate and consistent with the low cost automobile insurance statutes. Insurance Code Sections 11620, 11624 and 11629.7 require the Commissioner to approve a reasonable plan for the equitable apportionment of persons who are eligible to purchase Low Cost Automobile Insurance.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for developing a plan of operations to implement the Low Cost Automobile Insurance Program.

Section 2498.6 of the California Code of Regulations (Title 10, Chapter 5, Subchapter 3) references the separate CLCA Program Plan of Operations, approved by the Commissioner, and sets forth procedures for obtaining a copy of the Plan of Operations. The regulation implements, interprets, and makes specific CIC §§ 11629.7-11629.85.

The proposed amendments refer to sections of the Plan of Operations.

POLICY STATEMENT OVERVIEW

The proposed amendments to the statutorily required plan are intended to revise and clarify procedures for obtaining Low Cost Automobile Insurance. The purpose of each of the proposed amendments is to refine the CLCA Plan of Operations into a plan that properly reflects the Commissioner's policies regarding Low Cost Automobile Insurance and also to reflect the most recent changes in existing law.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES/SCHOOL DISTRICTS/FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPLETE

Because the proposal involves minor changes to the Plan of Operations Manual for CLCA Insurance, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS
OR ENTITIES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

These proposed regulations may affect small businesses. Insurance companies, however, do not fall within the definition of a small business. (Gov. Code § 1342.610(b)(2).)

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed regulations, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The text describing the proposal is in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the regulations, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, the text of regulations, and all the information upon which this proposal is based are available for inspection or copying, and will be provided at

no charge upon a request made to the contact person listed above.

QUESTIONS REGARDING
REGULATIONS/ACCESS TO
RULEMAKING FILE

Any interested person may inspect a copy of the proposed rulemaking file. **By prior appointment**, the rulemaking file is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling 415/538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling 213/346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed action, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21st Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED TEXT
OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right-hand column of the page, click the drop-down menu under the heading 'For Insurers.' In this section, scroll down until you see the subheading 'Regulations.' Click on the "Regulations" subheading and then click on the 'Proposed Regulations' link. After clicking on the 'Proposed Regulations' link, click on the 'Search for Proposed Regulations' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search in the advanced search field, click on 'Advanced Search' and then enter "REG2009-00018" (the Department's regulation file number for these regulations) in the 'CDI File No.' field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "11629.7"), or search by keyword ("low cost," for example). Then, click on the 'Submit' button to display links to the various filing documents.

**TITLE 10. DEPARTMENT OF
INSURANCE**

300 Capitol Mall, 17th Floor
Sacramento, California 95814

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING**

**January 1, 2010 Workers' Compensation Claims
Cost Benchmark and Pure Premium Rates**

File No. REG-2009-00022

Notice Date: August 24, 2009

Approval of the Workers' Compensation Claims Cost Benchmark and Advisory Pure Premium Rates and proposed revisions to the Insurance Commissioner's Regulations pertaining to the Classification of Risks; Recording and Reporting of Data; Statistical Reporting and Experience Rating; and Approval of Advisory Pure Premium Rates to be effective January 1, 2010.

NOTICE AND SUBJECT OF PUBLIC HEARING

Notice is hereby given that the Insurance Commissioner will hold a public hearing in response to a filing,

submitted on August 18, 2009, by the Workers' Compensation Insurance Rating Bureau of California ("WCIRB") to consider the following:

- Approval of the Workers' Compensation Claims Cost Benchmark and advisory pure premium rates developed by the WCIRB as a rating organization on behalf of its member insurers.
- Approval of amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995 as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of an amendment to the Miscellaneous Regulations for the Recording and Reporting of Data as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of amendments to the California Workers' Compensation Experience Rating Plan—1995 as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

HEARING DATE AND LOCATION

A public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the matters proposed in the WCIRB's filing, at the following date, time and place:

October 6, 2009 — 9:30 a.m.
California Department of Insurance
22nd Floor Hearing Room
45 Fremont Street
San Francisco, California

AUTHORITY AND REFERENCE

Uniform Plans and Regulations

The workers' compensation classification of risks and statistical reporting rules are set forth in Title 10, California Code of Regulations, Section 2318.6. The miscellaneous regulations for the recording and reporting of data are set forth in Title 10, California Code of Regulations, Section 2354. The workers' compensation experience rating regulations are set forth in Title 10, California Code of Regulations, Section 2353.1. The regulations are promulgated by the Insurance Commissioner pursuant to the authority granted by Insurance Code Section 11734.

**Workers' Compensation Claims Cost Benchmark and
Pure Premium Rates**

Pursuant to Insurance Code Section 11750.3, a rating organization is permitted to develop pure premium

rates for each employee classification on behalf of its member insurers for submission to the Insurance Commissioner for issuance or approval. The WCIRB also submits an overall rate adjustment that measures the change in costs to the California worker's compensation system, designated by the Commissioner as the Workers' Compensation Claims Cost Benchmark, in addition to the changes to the pure premium rates for each classification.

The Insurance Code provisions regarding State rate supervision operative January 1, 1995 do not authorize the Insurance Commissioner to require insurers to use the Claims Cost Benchmark or pure premium rates issued or approved by the Insurance Commissioner. Accordingly, the Claims Cost Benchmark and pure premium rates issued or approved by the Insurance Commissioner are an estimate of the workers' compensation claims costs and are advisory only. However, all insurers must submit their rates for review to the Insurance Commissioner prior to their use, and an insurer's filed workers' compensation rates are public information.

INFORMATIVE DIGEST

Pursuant to Insurance Code Sections 11734 and 11751.5, the Insurance Commissioner has designated the WCIRB as his statistical agent. As the designated statistical agent, the WCIRB has developed and submitted for the Insurance Commissioner's approval pure premium rates and revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, the Miscellaneous Regulations for the Recording and Reporting of Data, and California Workers' Compensation Experience Rating Plan—1995 for approval. The pure premium rates will be advisory only; however, adherence to the regulations contained in the California Workers' Compensation Uniform Statistical Reporting Plan—1995, the Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995 is mandatory. With regard to the standard classification system developed by the designated rating organization and approved by the Insurance Commissioner, Insurance Code Section 11734 provides that an insurer may develop its own classification system if it is filed with the Insurance Commissioner 30 days prior to its use and is not disapproved by the Insurance Commissioner for failure to demonstrate that the data produced by the insurer's classification system can be reported consistently with the California Workers' Compensation Uniform Statistical Reporting Plan—1995 or the Standard Classification System developed by the WCIRB and approved by the Insurance Commissioner.

The pure premium rates recommended by the WCIRB to be effective January 1, 2010, as well as amendments to the California Workers' Compensation Uniform Statistical Reporting Plan—1995, the Miscellaneous Regulations for the Recording and Reporting of Data, and the California Workers' Compensation Experience Rating Plan—1995 are detailed in the WCIRB's filing and summarized below.

APPROVE CLAIMS COST BENCHMARK AND PURE PREMIUM RATES

Pursuant to California Insurance Code Section 11750.3, the WCIRB has proposed advisory pure premium rates for approval by the Insurance Commissioner to be effective January 1, 2010 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010. The corresponding overall pure premium rate level change or claims cost benchmark is 22.8% greater than the January 1, 2009 claims cost benchmark approved by the Insurance Commissioner.

In addition, the WCIRB advised that it will be reviewing accident year experience valued as of June 30, 2009 once it is received and, if appropriate, will amend the pure premium rates proposed in its filing prior to the public hearing. Further, the WCIRB advised that if legislative or regulatory changes are adopted or a decision is issued in the Ogilvie v. City and County of San Francisco and Almaraz v. Environmental Recovery Services/Guzman v. Milpitas Unified School District cases prior to the public hearing on this filing, the WCIRB will evaluate the estimated cost impact of these actions and, to the extent appropriate, modify the pure premium rates proposed in its filing as well as the approved January 1, 2009 pure premium rates with respect to policies with anniversary rating dates on or after January 1, 2009 that are outstanding as of January 1, 2010.

The proposed 22.8% rate increase is based on (1) insurer losses incurred during 2008 and prior accident years valued as of March 31, 2009; (2) insurer loss adjustment expenses for 2008 and prior years; (3) the cost impact of two recent Workers' Compensation Appeals Board (WCAB) en banc decisions; (4) the experience rating off-balance correction factor; and (5) classification payroll and loss experience reported for policies issued during 2006 and prior years.

AMEND THE CALIFORNIA WORKERS' COMPENSATION UNIFORM STATISTICAL REPORTING PLAN—1995

The WCIRB recommends that the following revisions to the California Workers' Compensation Uniform Statistical Reporting Plan—1995 become effective

tive January 1, 2010 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010, except as otherwise noted.

- Amend the policy reporting requirements to no longer require a social security number to be reported in lieu of the FEIN, when the policyholder's FEIN is unavailable due to privacy concerns related to social security numbers.
- Amend the minimum and maximum annual payroll for executive officers, partners, individual employers, and members of a limited liability company to increase the maximum from \$94,900 to 97,500 and the minimum from \$36,400 to \$37,700, as well as to other payroll limitations relevant to specific classifications (e.g., athletic teams, entertainment classifications, etc.) to reflect wage inflation since the last time these amounts were amended on January 1, 2009.
- Amend Classification 7365, *Taxicab Operations* — *all employees*, to increase the minimum annual payroll per taxicab from \$26,500 per year to \$27,300 to reflect wage inflation since the last time the amount was adjusted on January 1, 2009.
- Amend the Standard Classification System to reflect the establishment of *Food Packaging and Processing* as an industry group.
- Establish Classification 2123, *Fruit or Vegetable Processing — fresh — ready-to-eat*. The "ready-to-eat" produce industry constitutes a distinct and identifiable industry of sufficient size to generate a statistically credible pure premium rate. Also amend several related classifications for clarity and consistency.
- Establish Classification 0096, *Nut Hulling, Shelling or Processing*. Nut processing constitutes a distinct and identifiable industry of sufficient size to generate a statistically credible pure premium rate.
- Establish Classification 7227, *Automobile or Automobile Truck Towing, Roadside Assistance or Freeway Service Patrol — for vehicles not owned by employer*, and amend several related classifications for clarity and consistency. Towing, Roadside Assistance and Freeway Service Patrol constitutes a distinct and identifiable industry of sufficient size to generate a statistically credible pure premium rate.
- Amend the unit statistical reporting requirements to eliminate the requirement that social security numbers be reported on each claim, due to privacy concerns, to be effective on all claims required to be valued on or after January 1, 2010.

- Amend the unit statistical reporting requirements to conform to the Workers Compensation Insurance Organizations' *WCIO Workers Compensation Data Specifications Manual* for the electronic reporting of unit statistical report data, as applicable in California.
- Amend Appendix IV to eliminate the Supplemental Loss Report form and all references to this form.
- Amend for clarity and consistency.

In addition, the Insurance Commissioner's Decision on the WCIRB's July 1, 2009 pure premium rate filing directed the WCIRB to propose rule changes, effective January 1, 2010, to require that the cost of medical cost containment programs be reported as allocated loss adjustment expense instead of medical loss and be separately reported so as to be able to be monitored. The WCIRB is in the process of finalizing the proposed amendments to the USRP definition and reporting requirements related to medical cost containment and will submit those proposed amendments prior to the public hearing on its filing. However, the WCIRB has advised that in light of the complexity of the insurer system modifications needed to facilitate the new reporting requirements, the WCIRB may propose that the amendments become effective January 1, 2011.

If amendments to require that the cost of medical cost containment programs be reported as allocated loss adjustment expense instead of medical loss and be separately reported so as to be able to be monitored do occur, those amendments would likely require changes to the definitions of Allocated Loss Adjustment Expense(s) and Unallocated Loss Adjustment Expense(s) contained in Part 4, Section II, Rule 19 of the USRP and the definition of Medical Loss(es) contained in Part 4, Section II, Rule 22 of the USRP.

AMEND MISCELLANEOUS REGULATIONS FOR THE RECORDING AND REPORTING OF DATA

The WCIRB recommends that the following revision to the Miscellaneous Regulations for the Recording and Reporting of Data become effective January 1, 2010 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010:

- Amend Part 1, *General Provisions*, Section I, *Introduction*, Rule 2, *Effective Date*, to be consistent with the effective date of the California Workers' Compensation Uniform Statistical Reporting Plan—1995 for ease of reference.

AMEND CALIFORNIA WORKERS'
COMPENSATION EXPERIENCE
RATING PLAN—1995

The WCIRB recommends that the following revisions to the California Workers' Compensation Experience Rating Plan—1995 become effective January 1, 2010 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2010.

- Amend (i) the formula used to segregate each claim into primary and excess components to treat the first \$7,000 of each claim as primary, (ii) the credibility ("B" and "W") values based on the most current available data, and (iii) the expected loss rates based on the most current data available and an enhanced methodology.
- Amend Section III, *Eligibility and Experience Period*, Rule 1, *Eligibility Requirements for California Workers' Compensation Insurance*, to adjust the eligibility threshold from \$15,700 to \$20,100 to reflect wage inflation and the indicated change in the claims cost benchmark reflected in the filing.
- Amend the expected loss rates and D-ratios shown in Table II, *Expected Loss Rates and Full Coverage D-Ratios*, to reflect the most current data available.

The WCIRB recommends that the following revisions to the California Workers' Compensation Experience Rating Plan—1995 become effective January 1, 2011 with respect to new and renewal policies as of the first anniversary rating date of a risk on or after January 1, 2011.

- Amend to (i) define the term Loss-Free Rating, (ii) provide that notice of the experience modification shall reflect the risk's Loss-Free Rating for informational purposes, and (iii) provide a summary explanation of the experience modification computation with the notice of the experience modification.

COSTS OR SAVINGS RESULTING FROM
THE REGULATIONS

The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the California Workers' Compensation Experience Rating Plan—1995 may or may not result in costs or savings depending upon whether an employer is above or below

the experience rating eligibility threshold and based upon an employer's claim experience.

COST OR SAVINGS AND MANDATE TO LOCAL
AGENCIES AND SCHOOL DISTRICTS

The Insurance Commissioner cannot determine whether or not there may be a cost increase to local agencies and school districts, but there will not be any new programs mandated on any local agencies or school districts as a result of the proposed regulations, if adopted as proposed herein. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurers. To the extent they are adopted by insurers, they may result in higher costs to local agencies or school districts insured for workers' compensation. The amendments to the California Workers' Compensation Experience Rating Plan—1995 may or may not result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold and based upon an employer's claim experience.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has determined that the proposed regulations will not have a significant effect on housing costs.

IMPACT ON SMALL BUSINESSES

The Insurance Commissioner cannot determine whether or not the proposed regulations may have a significant effect on small businesses. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates may or may not be adopted by workers' compensation insurance companies. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the California Workers' Compensation Experience Rating Plan—1995 may or may not result in costs or savings depending upon whether a small business employer is above or below the experience rating eligibility threshold and based upon an employer's claim experience.

COST IMPACT ON PRIVATE PERSONS
OR ENTITIES

The Insurance Commissioner must determine the potential cost impact of the proposed regulations on private persons or businesses directly affected by the proposal. The Insurance Commissioner is authorized by law to promulgate advisory loss cost rates. These rates

may or may not be adopted by workers' compensation insurance companies. To the extent they are adopted by insurers, they may result in higher costs. The amendments to the California Workers' Compensation Experience Rating Plan—1995 may or may not result in costs or savings depending upon whether an employer is above or below the experience rating eligibility threshold and based upon an employer's claim experience.

FEDERAL FUNDING TO THE STATE

The matters proposed herein will not affect any federal funding.

NON-DISCRETIONARY COSTS OR SAVINGS

The proposed regulations will not impose any non-discretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to State agencies, except for the State Compensation Insurance Fund.

REIMBURSABLE COSTS

There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

ACCESS TO HEARING ROOMS

The facility to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make special arrangements, if necessary.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Insurance Commissioner prior to the public hearing on the proposed amendments contained in the

WCIRB's filing. Such comments should be addressed to:

California Department of Insurance
Attn: Christopher A. Citko
Senior Staff Counsel
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

(916) 492-3187
(916) 324-1883 (FAX)
citkoc@insurance.ca.gov

Any interested person may present oral and/or written testimony at the scheduled public hearing. Written comments and oral testimony will be given equal weight in the Insurance Commissioner's deliberations.

DEADLINE FOR WRITTEN COMMENTS

All written material, unless submitted at the hearing, must be received by the Insurance Commissioner at the address, FAX number, or email address listed above no later than 5:00 p.m. on October 9, 2009.

TEXT OF REGULATIONS AND STATEMENT OF REASONS AVAILABLE

The Insurance Commissioner has prepared an Initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. The express terms of the proposed regulations as contained in the WCIRB's filing, the Notice of Proposed Action and Notice of Public Hearing and the Initial Statement of Reasons will be made available for inspection or provided without charge upon written request to the contact person for these hearings (listed above). The filing may be viewed or downloaded from the Regulatory Filings section of the WCIRB website (www.wcirbonline.org).

ACCESS TO RULE-MAKING FILE, CONTACT

Any interested person may inspect a copy of or direct questions about the proposed regulations or other matters relative to the WCIRB's filing, the statement of reasons thereof, and any supplemental information contained in the rule-making file upon application to the contact person (listed above). The rule-making file will be available for inspection at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the informative digest that contains the general substance of the proposed

regulations, automatically will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings, and California Government Code mailing lists.

ADOPTION OF REGULATIONS

Following the hearing, the Insurance Commissioner may adopt or approve regulations substantially as described in this Notice and informative digest or he may adopt or approve modified regulations. He also may refuse to adopt or approve the regulations. Notice of the Insurance Commissioner's action will be sent to all persons on the Insurance Commissioner's Bulletins and Rulings mailing list and to those persons who have otherwise requested notice of the Commissioner's action.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Section 181.00 in Chapter 1, Division 1, Article 3.1 of Title 13, California Code of Regulations, relating to Special Interest License Plates.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **OCTOBER 26, 2009**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651,

in order to implement, interpret, or make specific Vehicle Code section 5006.5 and Revenue and Taxation Code sections 10781 and 10901.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 5006.5 authorizes the department to issue Foreign Organization Special License Plates to vehicles owned or leased by an officer or a designated employee of a foreign organization recognized by the United States pursuant to the Taiwan Relations Act. The department is also authorized to charge a fee for the license plates in an amount sufficient to reimburse the department for costs incurred to implement this section. Revenue and Taxation Code section 10781 exempts foreign organizations from paying licensing fees.

When Section 181.00 was adopted in 1997, the department promulgated language allowing Foreign Organization Special License Plate holders to be exempt from paying registration fees. The term "registration fees" is a common departmental term used to describe numerous types of vehicle registration transactions. After a departmental review, it was determined that the authority granted to the department to waive fees, however, does not extend to all registration fees, in fact, the waiver only applies to vehicle licensing fees.

The proposed amendments to Section 181.00 will correct language granting registration fee exemptions and, instead, provide vehicle license fee exemptions as intended in Revenue and Taxation Code section 10781.

FISCAL IMPACT STATEMENT

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effects on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. These amendments only affect specified foreign organizations.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820
Telephone: (916) 657-8898
Facsimile: (916) 657-1204
E-Mail: RCalkins@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Cathy Sowell, Chief of Staff
Telephone: (916) 657-7970

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 7071, of the Fish and Game Code and to implement, interpret or make specific Section 7071 of said Code, proposes to amend Section 155, Title 14, California Code of Regulations, relating to Commercial Take of White Seabass.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The current wording of CCR Title 14 Section 155 needs to be more concise and clear in order to make it

better enforceable. Current section wording refers to the United States–Mexico International Boundary. This wording differs from the Fish and Game Code (Code) Section 2362 amendment which went into effect January 1, 2008. The border between the United States and Mexico is not an extension of the land–based border. As shown on NOAA charts, the marine boundary line extends into the ocean much differently than the Code describes. Additionally, the Exclusive Economic Zone (EEZ) of the United States extends beyond the maritime boundary line out to 200 miles. The maritime boundary was established in a treaty between United States and Mexico in 1970, and this line is recognized by both countries. Additionally, the EEZ was established by Proclamation 5030 in 1983. The boundary line for this zone separates our fishing waters from Mexican fishing waters. The zone is also recognized by both countries. Historically, the Department has told fishermen that the boundary line in Section 2362 is the EEZ line. Since the amendment to Code Section 2362 addresses the international boundary in terms that include the EEZ and as it specifically relates to commercial take of yellowtail, barracuda and white seabass, CCR Title 14 Section 155 simply needs to reference the area south of Point Conception. CCR Title 14 only regulates what occurs within the jurisdiction of California and therefore “south of Point Conception” would only regulate the area that falls within the area governed by the Fish and Game Code and CCR Title 14. That inference is all that is needed within the section.

The current wording of the closure dates in this section, for the take of white seabass, allows for different interpretations. The use of the word “between” used in conjunction with the two listed dates may lead some to interpret that the listed dates are not inclusive. The amendment instead uses the words “from” and “through”. That wording more clearly indicates the listed dates are inclusive.

Current section wording allows for the landing of white seabass taken in Mexico, if the person landing the fish is in possession of a Mexican fishing permit. According to the current wording the Mexican permit is adequate proof that white seabass were taken in Mexico. Currently, the Department is not aware of any permit issued by the Mexican authorities that would allow for the take of white seabass in Mexico waters, and then allowed to be landed in California. Fish and Game Code Section 2353 already covers importation requirements for fish brought into California. This wording is not needed for this CCR Title 14 section.

Current wording allows for misinterpretation of the amount of white seabass that can be taken on a multi-day commercial fishing trip. A trip may last three days and the wording referring to “each day” can open the

door to the argument that the section allows for three white seabass to be taken, possessed and sold each day.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, October 1, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, November 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 29, 2009 at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 2, 2009. All comments must be received no later than November 5, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, (916) 651–9953 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments dur-

ing the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal makes the intent of the section more enforceable and allowing those who are in compliance to more ably compete within this industry.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

No significant impact.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 14. FISH AND GAME
COMMISSION**

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 205 and 2120, of the Fish and Game Code and to implement, interpret or make specific sections 1002, 2000, 2001, 2116, 2118, 2118.2, 2118.4, 2119-2155, 2190, and 2271 of said Code, proposes to add Section 681, Title 14, California Code of Regulations, relating to Hybrid Animals and Plants.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Department should have as an enforcement tool a general section regulating hybrid plants and animals. A hybrid of two or more species is not a specific species and therefore is not addressed within most regulations or code sections referring to limits, seasons, take, and possession. Potential examples are: a hybrid bass (i.e. largemouth and spotted bass that naturally occurs in a lake), hybrids of restricted exotic cats and non-restricted domestic cats, and hybrid canines such as coy-dogs (coyote and dog).

The mixing of species is expanding as scientific methods improve. Examples of potential problem areas are abalone, fin fish, falconry, waterfowl, aquaculture,

and restricted exotic species. The proposal would not only help regulate true hybrids but would help in preventing violators from using a “hybrid defense”. The proposal would give the Department flexibility in enforcing various laws and regulations. Nature and science can produce hybrids and an agency which enforces plant and animal laws is placed at a disadvantage if it lacks regulations to reasonably address hybrid issues.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, October 1, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, Ballroom, 17980 County Road 94B, Woodland, California, on Thursday, November 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 29, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 2, 2009. All comments must be received no later than November 5, 2009, at the hearing in Woodland, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sheri Tiemann at the preceding address or phone number. **Mr. Rob Allen, Enforcement Branch, Department of Fish and Game, (916) 651-9953 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal recognizes the heritage of animals and plants enabling the Department to maintain control of species, and their hybrids, that it already regulates.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

No significant impact. Possible impact in those that deal in hybrids of restricted species.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, undesirable hybrids can be affected and therefore those that commercially deal in such hybrids may be affected.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:
None.
- (e) Nondiscretionary Costs/Savings to Local Agencies:
None.
- (f) Programs Mandated on Local Agencies or School Districts:
None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:
None.
- (h) Effect on Housing Costs:
None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING

\$1500 Retirement Incentive for Low-Income Vehicle Owners

SPECIFICALLY

**Vehicle Retirement State Assistance Limits;
Vehicle Owner Income Requirements;
Repair Assistance Participation Limit;
And**

Application Form Revisions including Updated Federal Poverty Guidelines

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take

the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at the hearing to be held at the following location on the following date:

NORTHERN CALIFORNIA

October 26, 2009, 10:00 a.m

Department of Consumer Affairs

Hearing Room

1625 North Market Blvd

Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under **Contact Person** in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on November 2, 2009** or must be received by the Bureau at the above referenced hearing. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the request of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Sections 44001.3, 44001.5, 44002, 44091, 44094, and 44095 of the Health and Safety Code and Section 9882 of the Business and Professions Code, and to implement, interpret or make specific Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014.2, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094, and 44095 of the Health and Safety Code, the Bureau is proposing to adopt the following changes to Article 11 of Chapter 1, Division 33, Title 16, California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

INTRODUCTION:

The Bureau of Automotive Repair, within the Department of Consumer Affairs, is the state agency charged

with administration and implementation of the Smog Check Program (Program). The Program is designed to reduce air pollution from mobile sources, such as passenger vehicles and light trucks, by requiring that these vehicles meet specific emissions standards.

The Bureau is also charged with the implementation and administration of the Consumer Assistance Program (CAP). CAP provides financial assistance to qualified vehicle owners whose vehicles fail their biennial (every-other-year) Smog Check. Health and Safety Code (HSC) section 44062.1 establishes the Repair Assistance option, the eligibility requirements, and the program funding. HSC section 44094 establishes the same for Vehicle Retirement. Participation in CAP is limited to available funds.

BACKGROUND

CAP offers two options for vehicle owners whose Vehicles fail their biennial Smog Check. First, Repair Assistance (RA) is available to vehicle owners who, if qualified, receive financial assistance towards emissions-related repairs to help their vehicles pass their Smog Check inspection. Repairs on CAP-approved vehicles must be performed by Smog Check stations that have Gold Shield status, as determined by BAR. Second, Vehicle Retirement (VR) is available to vehicle owners who, if eligible, receive compensation to retire their high-polluting vehicles. Approved applicants must take their vehicle to an authorized dismantler. The vehicle must pass a visual and operational inspection before it is retired.

The VR option provides an economic incentive for vehicle owners to retire high-polluting vehicles that might otherwise remain in service. In 2006, HSC section 44062.3 was enacted by Assembly Bill (AB) 1870, which permits BAR to pay qualified vehicle owners “up to” \$1,500 to retire their vehicle when they fail a biennial Smog Check inspection. The current Vehicle Retirement incentive of \$1,000 is offered to all qualified vehicle owners regardless of their income. In accordance with AB 1870, BAR is now proposing, through regulation, to increase the incentive to \$1,500. This increased incentive would be available to vehicle owners whose incomes do not exceed federal poverty guidelines.

There are several reasons why vehicle owners choose to retire their vehicles. One reason is that the cost of repairs necessary to keep a vehicle running exceeds the value of the vehicle. In addition, some vehicle owners want to upgrade to a better vehicle, yet do not want the complications associated with selling a vehicle that cannot pass a Smog Check inspection. Finally, some vehicle owners simply want to help clean the air. If they

can do so by retiring their vehicle, they are willing, provided that they are fairly compensated. By offering an increased incentive to vehicle owners considering vehicle retirement for any of these reasons, BAR hopes to encourage vehicle owners to reach this decision earlier in the vehicle’s life and to purchase a newer and lower emitting vehicle.

Limiting vehicle owner participation in the RA option to one time per registered owner of a particular vehicle would have several benefits. In Fiscal Year 2007–08, approximately 3,800 of the 45,000 participants in the RA option had previously had the same vehicle repaired through CAP. By not permanently fixing the emissions systems that caused or contributed to the vehicle’s inability to pass its Smog Check inspection, the vehicle continued to emit more than it should. This defeats the purpose of the RA option. In addition, the repair of a vehicle’s emissions system more than once adversely impacts the efficiency and effectiveness of CAP, as the resources available to CAP have remained static while overall vehicle owner participation has increased. This means that vehicle owners who participate in CAP more than once in future years will effectively displace vehicle owners who may never have participated in CAP and own a vehicle that may have durable repairs. Repairing the same vehicles again is also an inefficient use of State resources. As a result, the one-time limit to the Repair Assistance option in conjunction with the increased Vehicle Retirement incentive may serve to change vehicle owners’ behavior in terms of continued ownership of their high polluting vehicles.

Pursuant to Title 16, California Code of Regulations (CCR) section 3394.4(a)(2)(A), income eligibility for CAP is based on the federal poverty guidelines published annually by the U.S. Department of Health and Human Services (DHHS). On January 23, 2009, DHHS released an official income level for poverty, more commonly referred to as the “federal poverty guidelines.” The income eligibility table is included in the CAP application as a way for applicants to determine their eligibility based on income. The application table must be adjusted based on the latest information from DHHS in order to remain consistent with the regulations. Title 16, CCR section 3394.4(a)(2)(A) clearly contemplates adjustments in the federal poverty guidelines and establishes eligibility based on the published information.

The Consumer Assistance Program application will conform to the proposed regulation and include the \$1,500 Vehicle Retirement incentive for low-income vehicle owners and the revised poverty guidelines as published in the Federal Register in February 2009 by the DHHS. The income eligibility table, which reflects federal poverty guidelines as of January 2009, will be updated to reflect the new federal income level for poverty.

Minor, technical, grammatical and editorial changes have been made to the application in order to clarify and simplify the application. For example, duplicative information that is currently in the application will be removed for the purposes of readability, formatting will be altered and the survey will be removed to conserve space. The proposed application will be four pages in length and through these proposed revisions will be more user-friendly.

CURRENT REGULATION:

Existing regulation in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 11, is summarized as follows:

Section 3394.3 specifies the payment amount available to vehicle owners for vehicle retirement and repair assistance.

Section 3394.4 identifies the eligibility requirements for assistance through the Consumer Assistance Program.

Section 3394.6 describes the application for the Consumer Assistance Program.

EFFECT OF REGULATORY ACTION:

The Bureau of Automotive Repair (BAR or Bureau) is proposing the following amendments to existing regulations:

- I. Increase from \$1,000 to \$1,500 the incentive for low-income vehicle owners who retire their vehicle under the Vehicle Retirement (VR) option of BAR's Consumer Assistance Program (CAP). All other eligible vehicle owners shall receive \$1000 to retire their vehicle. Assembly Bill 1870 (Lieber, Chapter 761, Statutes of 2006) authorizes BAR to offer vehicle owners up to \$1,500 to retire their high polluting vehicle when they fail a biennial Smog Check inspection. (proposed § 3394.3)
- II. Establish the maximum vehicle owner's income allowed for participation in the income-eligible components of both the Vehicle Retirement and Repair Assistance (RA) options of CAP at 225% of the federal poverty guidelines. (§ 3394.4)
- III. Limit participation in the Repair Assistance option to vehicle owners who have not previously received financial assistance from the CAP for the same vehicle. (§ 3394.4)
- IV. Amend the CAP application to include the increased Vehicle Retirement incentive and updated federal poverty guidelines as published annually by the U.S. Department of Health and Human Services. (DHHS § 3394.6)

Specifically, the proposed action will make the following changes to existing regulation:

1. Amend Section 3394.3 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Amend subsection (a) to change the text from "payment up to one thousand dollars (\$1,000) for each vehicle" to "payment of one thousand five hundred dollars (\$1,500) to retire their vehicle. All other eligible vehicle owners shall receive \$1,000 to retire their vehicle. All vehicles shall be retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair."
 - b. Add to subsection (a) the following text: "The Consumer Assistance Program cannot change the vehicle owner's eligibility status or the amount paid to a vehicle owner once the dismantler has purchased the vehicle."
 - c. Add to subsection (b) the following text: "The Consumer Assistance Program cannot change the vehicle owner's eligibility status or associated co-payment specified in section 3394.4 once the station has initiated any diagnostic or repair work on the vehicle."
2. Amend Section 3394.4 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. Remove from subparagraph (A) of subsection (a) (2) the numerical section (i) and the reference date of "Until December 31, 2008". Also, delete the numerical section (ii) in its entirety.
 - b. Add language to subsection (4) to limit participation under the Repair Assistance option vehicle owners who have not previously received repair assistance from CAP for the same vehicle.
 - c. Add subsection (6) to allow income-eligibility as an added option for Vehicle Retirement.
 - d. Other minor conforming, grammatical and editorial changes that have no regulatory effect are also included.
3. Amend Section 3394.6 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
 - a. In subsection (a), the current application form date of (02/08) is changed to (04/09).
 - b. Application Form No. PPD 08-22 CAP/APP, incorporated by reference at this regulation, will be updated to add the new federal income poverty level as published in the Federal Register in February 2009.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE

As a result, BAR anticipates an increase in the participation of low-income vehicle owners in Vehicle Retirement. BAR has the funding available to meet these additional costs.

NONDISCRETIONARY COSTS/SAVINGS TO LOCAL AGENCIES

None.

LOCAL MANDATE

None.

COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH GOVERNMENT CODE SECTIONS 17500-17630 REQUIRE REIMBURSEMENT

None.

BUSINESS IMPACT

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

This proposed action will increase from \$1,000 to \$1,500 the incentive for low-income vehicle owners who retire their vehicles under the Vehicle Retirement (VR) option of BAR's Consumer Assistance Program (CAP). The fact that this regulatory action will give low-income vehicle owners more compensation for retiring their high-polluting vehicle supports how this regulation will not impose adverse impact on businesses.

This proposed action will establish the maximum vehicle owner income allowed for participation in the income-eligible components of both the Vehicle Retirement and Repair Assistance (RA) options of CAP at 225% of the federal poverty guidelines. The fact that this regulatory action offers financial assistance to more vehicle owners supports how this regulation will not impose adverse impact on businesses.

This proposed action will limit participation in the Repair Assistance option to those vehicle owners that have not previously received repair assistance from the Consumer Assistance Program. The fact that this regulatory action merely steers low-income vehicle owners to retire their high-polluting vehicles, rather than try to continuously repair them, supports how this regulation will not impose adverse impact on businesses.

This proposed action will amend the CAP application to include the increased Vehicle Retirement incentive and updated federal poverty guidelines as published annually by the U.S. Department of Health and Human Services (DHHS). The fact that this regulatory action updates that information in the application and enhances the readability of the application for vehicle owners supports how this regulation will not impose adverse impact on businesses.

IMPACT ON JOBS/NEW BUSINESSES

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, other than the Business Impact described above, and that are known to the Bureau are:

Automotive Dismantler Impact

Increasing the amount paid under the VR option will create additional incentive for vehicle owner participation. Automotive dismantlers who contract with the Bureau would see an increase in business through this proposed change. These dismantlers are generally reimbursed for their administrative cost of retiring each vehicle. They also receive additional revenue from the sale of select salvage materials from each retired vehicle.

Vehicle Owner Impact

For Fiscal Year 2007-08, CAP paid for repairs on approximately 3,800 vehicles that had previously been repaired through the program. At an average of \$385 per repair, vehicle owners would incur \$1.46 million in costs annually to make these repairs on their own given the participation limit of one time per registered owner for a particular vehicle. However, this may be offset by those vehicle owners who retire their vehicle under the VR option. Finally, this proposed regulatory action

would not impact vehicle owners until the third year after the regulation has been adopted.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative, which it considered or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, California, 95827.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Tracy Brazil
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone: (916) 255-2279
Fax No.: (916) 255-1369
E-mail: tracy_brazil@dca.ca.gov

The backup contact person is:

Virginia Vu
Bureau of Automotive Repair
10240 Systems Parkway
Sacramento, CA 95827
Telephone (916) 255-2135
Fax No.: (916) 255-1369
E-mail: virginia_vu@dca.ca.gov

WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at www.smogcheck.ca.gov.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Courtyard by Marriott San Diego Airport/Liberty Station, 2592 Laning Road, San Diego, CA 92106 at **9:00 a.m., on October 30, 2009**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. **on October 26, 2009** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 and 2220 of the Business and

Professions Code, and to implement, interpret or make specific Sections 2228, 2229 and 2234 of said Code, as well as Sections 11400.20, 11400.21, 11425.50(e) of the Government Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1361 in Article 4 of Chapter 2, Division 13, relating to the *Manual of Disciplinary Guidelines and Model Disciplinary Orders* to reflect current law and make technical changes.

The *Manual of Model Disciplinary Orders and Disciplinary Guidelines* referenced in the current regulation (10th Edition/2008) must be made consistent with current law. The proposed regulation will reference the 11th Edition/2009 of the *Manual of Model Disciplinary Orders and Disciplinary Guidelines*, reflecting changes in law, as well as making technical changes to address unnecessary and duplicative elements, as well as some technical changes to reflect the current probationary environment.

The *Manual of Model Disciplinary Orders and Disciplinary Guidelines* referenced by the current regulation has been amended to conform to statutory changes, including those in the California Uniform Controlled Substance Act, augment and delete language for reasons of consistency and clarity, as well as make some minor but significant changes to probationary conditions for disciplined physicians. In addition to changes to conform to current law and amendments for consistency, the *Guidelines* have been amended to:

- Require probationers to cease the practice of medicine when testing positive in a biological fluid test for unlawfully prescribed substances or alcohol;
- Expand and define “Biological Fluid Testing” to include blood, urine, breathalyzer, and hair follicle testing;
- Expand acceptable continuing medical education courses beyond classroom, conference, and seminars, to reflect other types of educational delivery systems;
- Allow for participation in equivalent programs other than those provided by the Physician Assessment & Clinical Education (PACE) Program offered by UCSD, if approved by the Medical Board;
- Add a condition for participation in “Anger Management” programs;

- Allow for an oral competency examination in the event there are no appropriate clinical training programs available;
- Require documentation for medical evaluation;
- Within 7 days of the effective date of a decision, require disciplined physicians to provide a copy of the decision and accusation to the Chiefs of Staff at every hospital where the physician has privileges, and;
- Require probationers that cease practice for over 18 months to complete a training program before resuming practice, and prohibit non-practice over 2 years.

The 11th Edition of the *Manual* amends language made obsolete or inconsistent due to changes in law. A complete summary of changes is attached. (Medical Board of California Disciplinary Guidelines Interested Parties Meeting, June 18, 2009) The materials may be downloaded at:

http://www.mbc.ca.gov/board/meetings/materials_2009_06-18_disciplinary.pdf

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

☒ The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

_____ The following studies/relevant data were relied upon in making the above determination:

There are no costs associated with the proposed regulatory action. The proposed regulation only relates to physicians disciplined by the Medical Board of California.

Impact on Jobs/New Businesses:

The Medical Board of California has determined that this regulatory proposal will not have

_____ a significant
 _____x_____ any

impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Medical Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

This proposed regulation only reflects the current law, and will only have an impact on physicians disciplined by the Medical Board of California.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses. This proposed regulation only will have an impact on physicians disciplined by the Medical Board of California.

The new edition of the *Manual of Disciplinary Guidelines and Model Disciplinary Orders*, incorporated by reference, makes no changes that would result in an increase of costs to licensees or small businesses.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

The proposed regulation reflects changes in current law, as well as makes technical changes to remove and replace unnecessary and duplicative elements. There is no reasonable alternative to the proposed changes.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
 AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and

has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE
 FINAL STATEMENT OF REASONS
 AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Janie Cordray
 Address: Medical Board of California 2005
 Evergreen Street, Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2389
 Fax No.: (916) 263-2387
 E-Mail Address: jcordray@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke
 Address: Medical Board of California
 2005 Evergreen Street,
 Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2389
 Fax No.: (916) 263-2387
 E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at
http://www.medbd.ca.gov/laws/regulations_proposed.html.

TITLE 22. CALIFORNIA COMMISSION ON AGING

NOTICE OF INTENTION TO ESTABLISH A CONFLICT OF INTEREST CODE OF THE CALIFORNIA COMMISSION ON AGING

NOTICE IS HEREBY GIVEN that the California Commission on Aging proposes to establish a Conflict of Interest Code, pursuant to the requirements of Section 87300 of the Government Code. Heretofore, the California Commission on Aging has been covered by the Department of Aging's Conflict of Interest Code.

The Political Reform Act (Government Code Section 81000 et seq.) requires each governmental agency, including both houses of the Legislature, to adopt a conflict of interest code and agency personnel covered by the code to periodically file a financial disclosure statement known as a Statement of Economic Interests (Sections 87300 and 87302, Government Code). Among other things, an agency's conflict of interest code must enumerate employee positions within the agency that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are disclosable on the Statement of Economic Interests (Government Code Section 87302).

The California Commission on Aging proposes to establish a Conflict of Interest Code that includes all appointee and employee positions involved in the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

A summary of the COI Code provisions follows:

1. A declaration that the California Commission on Aging intends to adopt a Conflict of Interest Code in compliance with California Government Code.
2. A requirement that all designated appointees and employees shall file statements of economic interest with the California Commission on Aging.
3. A list of designated positions and their assigned disclosure categories.
4. Definitions of disclosure categories, including types of activities to be disclosed under each category.
5. A notice that the Code will be referenced in the California Administrative Code pursuant to Government Code Section 11344, rather than set forth in full.

Copies of the proposed Conflict of Interest Code are available and may be requested from the Contact Person identified below.

Any interested person may submit written statements, arguments, or contentions relating to this proposed code by submitting them in writing no later than October 26, 2009 to the Contact Person named below. If a public hearing is scheduled, at a minimum, notice of the hearing will be provided to the person or persons who requested the hearing, every person who submitted written comments, and to every person who requested notice of the hearing.

After completion of the written comment period/hearing, the California Commission on Aging may adopt the Conflict of Interest Code if any proposed amendments remain substantially the same as described in the text originally made available to the public. The California Commission on Aging will accept written comments on the modified code, addressed to the Contact Person set forth below, for 45 days after the date on which the text is made available.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than October 11, 2009 by contacting the Contact Person set forth below.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

California Commission on Aging
ATTN: Sandra Fitzpatrick, Executive Director
1300 National Drive, Suite 173
Sacramento, CA 95834
(916) 419-7591

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

NOTICE OF INTENT TO UPDATE ACCOUNTING MANUALS AND MAKE PATIENT DATA REVISIONS

Title 22 California Code of Regulations,

Division 7, Chapter 10 — *Health Facility Data,*

Update Article 2: *Accounting System
Requirements,* and

Revise Article 8, *Patient Data
Reporting Requirements*

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD)

is proposing non-substantive updates to Article 2 to update the Office's street address and contact information in the Accounting and Reporting Manual for California Hospitals and in the Accounting and Reporting Manual for California Long-term Care Facilities (sections 97018 and 97019). The list of California Health Policy and Data Advisory Commission (CHPDAC) members is also updated.

In Article 8, OSHPD is proposing substantive revisions to expand external cause of injury (e-code) reporting to include misadventures and abnormal reaction codes in the range E870-E879 (sections 97227, 97260, and 97261); revisions to expand the list of languages to capture 20 languages spoken by ethnic minority and refugee populations in California (sections 97234 and 97267); revisions to update plan codes for expected source of payment (section 97232); and technical revisions to source of admission (section 97222), disposition of patient (section 97231), and date of birth reporting (section 97216). Also proposed are non-substantive updates to forms incorporated by reference to update OSHPD address and telephone numbers (sections 97240, 97241, 97245, 97246, and 97249) and other minor changes including deletion of obsolete provisions (sections 97225, 97226, 97244).

The proposed effective date is upon filing with the Secretary of State.

NOTICE IS HEREBY GIVEN that no public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for a public hearing must be received in writing by the OSHPD contact person designated below no later than 15 days prior to the close of the written comment period.

NOTICE IS ALSO GIVEN that any interested person may present statements or arguments relevant to the proposed regulatory changes by a written communication addressed to, and received by, the OSHPD's contact person identified below on or before 5 p.m. on Monday, October 26, 2009, which is hereby designated as the close of the written public comment period. If this day is a Saturday, Sunday, or state holiday, the comment period will close at 5 p.m. on the next business day.

CONTACT PERSON

Written communications and comments may be sent to the primary contact person, Irene Ogbonna Regulations and Legislative Coordinator, via e-mail at iogbonna@oshpd.ca.gov, or by writing to the Patient Data Section, Office of Statewide Health Planning and Development, 400 R Street, Suite 270, Sacramento, California 95811 or via facsimile at (916) 327-1262.

Written communications and comments may also be sent to the backup contact person, Ron Spingarn, Deputy Director, via email at rspingar@oshpd.ca.gov, facsimile at (916) 327-1262, hand delivery, or mail, and must be received by the Healthcare Information Division, 400 R Street, Suite 250, Sacramento, California 95811, by 5 p.m. on Monday, October 26, 2009, which is hereby designated as the close of the written public comment period.

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by the California Health and Safety Code Sections 128755 and 128810. The reference citations are as follows: the proposed regulations implement, interpret, or make specific Health and Safety Code Sections 128735, 128736, 128737, and 128760.

TEXT OVERVIEW AND POLICY STATEMENT

The Patient Data Section proposes to make substantive and non-substantive changes to the patient data reporting programs (Title 22, Division 7, Chapter 10, Article 8, Sections 97210 et seq.) and several non-substantive updates to accounting and reporting systems regulations related to the accounting system requirements (Title 22, Division 7, Chapter 10, Article 2, Sections 97015 et seq.)

The proposed regulation amendments are made necessary by the need to keep data collection current and useful. Expanding the range of e-codes collected to include adverse actions and misadventures is timely and relevant to national legislation. Included in the President's FY 2009 budget are prohibitions against Medicare payment for "never" events and requirements for hospitals to report never events or receive a reduced payment. This proposal aligns OSHPD data collection with CMS (Centers for Medicare & Medicaid Services) as well as other California legislative and administrative initiatives. Including more specifically listed languages of important ethnic and refugee populations found in California advances the relevance and usefulness of OSHPD data. OSHPD's statutory mandate is to use national standards in data collection programs where appropriate; the following changes further that mandate. Proposed regulation amendments to the Disposition of Patient data element are made necessary by changes in the data content of the 837 Health Care Claim used for Emergency Department (ED) and Ambulatory Surgery (AS) Disposition of Patient codes and descriptions. Changes were made by the National Uniform Billing Committee (NUBC) as the federally-established Designated Standards Maintenance Organization. The new and revised Disposition of Patient

codes and descriptions are already required on electronic claims as part of national standards maintained by the NUBC. These changes to the Medical Information Reporting for California (MIRCal) save data providers the time and expense of creating and maintaining separate reporting systems to capture and report patient data to OSHPD.

Updating the plan code table is a periodic update that facilitates accurate reporting of expected HMO sources of payment. Address and telephone number changes are updates to reflect the new physical location of OSHPD. The deletion of unused forms is a clean-up action to keep only current requirements in the text (no paper forms have been used since the regulatory approval of the online MIRCal system for the submission of January 1, 2003 data which was due September 30, 2003). Likewise, the updating of the names of CHPDAC members is initiated by the need to keep documentation and organization information current.

CHPDAC advises OSHPD on health policy and health information issues. Commissioners are appointed by the Governor, Speaker of the Assembly and Senate Rules Committee to represent major stakeholders in health care delivery, including physicians, hospitals, long-term care facilities, business and labor, health service plans, ambulatory surgery centers, and the general public. The CHPDAC reviewed and approved these regulation changes at its public meeting on April 10, 2009.

INFORMATIVE DIGEST/SUMMARY OF PROPOSED CHANGES

The proposed regulation amendments are needed to keep data collection current and useful. Expanding the range of e-codes collected to include adverse actions and misadventures is timely given numerous national and state initiatives. Listing additional languages will represent additional ethnic and refugee populations receiving healthcare in California. Proposed regulation amendments to the Disposition of Patient data element are made necessary by changes in national standards for Emergency Department (ED) and Ambulatory Surgery (AS) Disposition of Patient codes and descriptions. Disposition of Patient codes and descriptions are already required on electronic claims. These changes to the Medical Information Reporting for California (MIRCal) save data providers the time and expense of creating and maintaining separate reporting systems to capture and report patient data to OSHPD.

Updating the plan code table is a periodic update that facilitates accurate reporting of expected HMO sources of payment. Address and telephone number changes are

updates to reflect the new physical location of OSHPD. The deletion of unused forms keeps only current requirements in the text. Updating of the names of CHPDAC members keeps organization information current and accurate.

The Patient Data Section proposes to make substantive and non-substantive changes to the patient data reporting programs (Title 22, Division 7, Chapter 10, Article 8, Sections 97210 et seq.) and several non-substantive updates to accounting and reporting system requirements (Title 22, Division 7, Chapter 10, Article 2, Sections 97015 et seq.)

Summary of changes by data type:

- **Hospital Discharge (inpatient) Data**
 - Expand external cause of injury (e-codes) reporting to require E870-E879 (misadventures and abnormal reactions)
 - Expand list of languages for reporting principal language spoken to capture additional languages spoken by important ethnic minority and refugee populations receiving healthcare in California
 - Update plan codes for expected source of payment
 - Make technical revisions to source of admission, disposition of patient, and date of birth reporting
 - Make non-substantive updates to forms incorporated by reference
 - Update OSHPD address and telephone numbers
 - Make other minor changes including deletion of obsolete provisions
- **Emergency Department and Ambulatory Surgery (outpatient) Data**
 - Expand external cause of injury (e-codes) reporting to require code range E870-E879 (misadventures and abnormal reactions)
 - Expand list of languages for reporting principal language spoken to capture additional languages spoken by important ethnic minority and refugee populations receiving healthcare in California
 - Make technical revisions to disposition of patient reporting
 - Make non-substantive updates to forms incorporated by reference
 - Update OSHPD address and telephone numbers
 - Make other minor changes including deletion of obsolete provisions

• **Accounting System Requirements — Non-substantive Updates**

- Update OSHPD address, telephone numbers, and other contact information in regulations and in the Accounting and Reporting Manual for California Hospitals and the Accounting and Reporting Manual for California Long-term Care Facilities. Update organization information, including CHPDAC membership.

Article 2: Accounting System Requirements

The following materials (updated address only) are available for review:

Accounting and Reporting Manual for California Hospitals

— Only pages or sections with updated addresses are included

Accounting and Reporting Manual for California Long-term Care Facilities.

— Only pages or sections with updated addresses are included

Article 8, Patient Data Reporting Requirements

The following revised forms (updated address only) are available for review:

Section 97240. Request for Modifications to Patient Data Reporting.

No Data to Report form (OSHPD 2005.1) Revised 09/26/2005 March 10, 2009

Section 97241. Extensions of Time to File Reports.

Patient Data Reporting Extension Request (DD 1805) Revised 06/09/2005 March 10, 2009

Section 97246. Data Transmittal Requirements.

Agent Designation Form (OSHPD 1370.3), Revised 06/09/2005 March 10, 2009

User Account Administrator Agreement Form (OSHPD 2002.1), Revised 01/05/2006 March 10, 2009

Designated Agent User Agreement Form (OSHPD 2002.2), Revised 01/05/2006 March 10, 2009

The following obsolete forms (no longer required) are available for review:

Section 97244. Method of Submission.

Hospital Inpatient Data Record Manual Abstract Reporting Form (1370.IP), Dated February 26, 2008

Emergency Care Data Record Manual Abstract Reporting Form (1370.ED), Dated February 26, 2008

Ambulatory Surgery Data Record Manual Abstract Reporting Form (1370.AS), Dated February 26, 2008

AVAILABILITY OF THE TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND RULEMAKING FILE

INTERNET AVAILABILITY

Materials regarding this notice of proposed changes, the text of the proposed regulations, the Initial Statement of Reasons, and all amended or deleted forms, may be accessed at the Office's web site www.oshpd.ca.gov/hid.

AVAILABILITY OF THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the Rulemaking File that is available for public inspection by contacting the contact person.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of proposed changes or modifications to the regulations will be available from the Office website www.oshpd.ca.gov/hid and will be available from the Office upon request. The text of any modified regulation, unless the modification is non-substantial or solely grammatical in nature, will be made available on the website at least 15 days prior to the date that the Office adopts the regulation. The changes will be underlined where text is added and struckthrough where text is deleted. The Office will accept written comments on the modified regulations for 15 days after the date that they are made available. The Office may adopt, amend, or repeal the foregoing proposal substantially as set forth without further notice.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact person named herein or by accessing the website.

ALTERNATIVES CONSIDERED

The Office has determined in accordance with Government Code Section 11346.5(a)(13) that no reasonable alternative considered by the Office or that has otherwise been identified and brought to the attention of the Office would be more effective in carrying out the purpose for which the action is proposed or would be as

effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT ESTIMATES

Local Mandate Determination (Cal. Gov't Code 11346.5(a)(6)): As the proposed updates will impose requirements upon all California hospitals and all licensed ambulatory Surgery clinics, and will only incidentally affect governmental hospitals, there is no local mandate created by the proposed revisions that would require state reimbursement.

1. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code 11346.5(a)(6)): None.
2. Cost to Any Local Agency or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630 (Cal. Gov't Code 11346.5(a)(6)): None.
3. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code 11346.5(a)(6)): None.
4. Cost or Savings in Federal Funding to the State (Cal. Gov't Code 11346.5(a)(6)): None.
5. Impact on Housing Costs (Cal. Gov't Code 11346.5(a)(12)): None.
6. Potential Cost Impact on Private Persons or Affected Business, Other Than Small Businesses (Cal. Gov't Code 11346.5(a)(9)): The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
7. Potential Adverse Economic Impact on Businesses (Cal. Gov't Code 11346.5(a)) The Office has determined that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
8. Potential Adverse Economic Impact on Small Businesses (1 CCR 4) The Office has determined that the regulations would not have a significant statewide adverse economic impact directly affecting small businesses, including the ability of small California businesses to compete with small businesses in other states. All data providers, including small businesses, may continue to use the online key-entry method to submit data.

DETERMINATIONS

The Office has determined that the regulations would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING FOR THE UNIFORM MULTIFAMILY REGULATIONS, TITLE 25 SECTION 8315

Notice is hereby given that the Department of Housing and Community Development (Department) proposes to amend the regulations governing the uniform rules for multifamily rental housing assisted under the Multifamily Housing Program (MHP), Joe Serna Junior Farmworker Housing Grant Program (JSJFWHG) and HOME Investment Partnerships (HOME) Program. The purpose of this regulatory action is to amend section 8315 of Title 25 of the California Code of Regulations which establishes policies as to when and under what circumstances HCD will subordinate its deeds of trust and other restrictions to other financing.

The text of the proposed regulation amendments, along with related documents, is available on the Department's web site (www.hcd.ca.gov).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins September 11, 2009 and closes at 5:00 p.m. on October 26, 2009. The Department will consider comments received during this time-frame. Please address your comments to Lenora Frazier at lfrazier@hcd.ca.gov. Comments can also be sent via mail to Lenora Frazier, Department of Housing and Community Development, Legal Affairs Division, P.O. Box 952052, Sacramento, California 94252-2052 or via fax to (916) 323-2815 attention: Lenora Frazier.

PUBLIC HEARINGS

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly autho-

rized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m. on October 12, 2009, fifteen (15) days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

The Department is conducting this rulemaking activity under the authority provided by Health and Safety Code (H&S) Section 50406(n) and H&S Section 50675.1(c), and to implement, interpret, and make specific Sections 50517.5–50517.11, 50675, and 50896 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2003 the Department adopted the Uniform Multifamily Regulations (“UMR’s”) governing a variety of topics common to multifamily loan underwriting and project management. Included in the UMR’s is section 8315 of Title 25 of the California Code of Regulations which establishes policies as to when and under what circumstances HCD will subordinate its deeds of trust and other restrictions to other financing. The purpose of the proposed amendment is to revise the UMR subordination policy only. In order to foster greater local support for affordable rental projects and in recognition of the additional financial and non-financial contributions made to affordable rental projects by local governments, HCD proposes to amend subsections (b) and (c) Section 8315.

IMPACT OF PROPOSED REGULATIONS

The program regulations are designed to provide financing to projects that meet the array of rental housing needs presented by low-income and special needs populations.

EFFECT ON SMALL BUSINESS

The proposed regulations do not affect small businesses. The reason for this finding is that participation in the three affected programs is voluntary. Applicants to the program that qualify as small businesses have determined that program funds will provide the financing necessary to allow development of their projects. The non-profit and for-profit small business applicants benefit from the below market interest rate offered by the program.

LOCAL MANDATE

The proposed regulatory activity will not impose a mandate on local agencies or school districts. Eligibility for the program is limited to entities demonstrating willingness and capacity to develop affordable rental housing. In any case, participation in the program is voluntary.

FISCAL IMPACT

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

Public entities, including local governments and non-profit organizations are eligible to apply for loans from the programs affected by this rulemaking action. However, participation is voluntary, not mandatory.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY EFFECTING BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly effecting businesses, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not significantly affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. In any case, participation in the program would be voluntary.

STATEMENT OF POTENTIAL COSTS IMPACT ON PRIVATE PERSONS AND BUSINESSES DIRECTLY AFFECTED

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action. While private businesses (including non-profits) and individuals are eligible to receive program funds under the program, participation is voluntary.

CONSIDERATION OF ALTERNATIVES

The Department of Housing and Community Development must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations, along with the Initial Statement of Reasons prepared by the Department, which provides the reasons for the proposals, is available on the Department's web site, at www.hcd.ca.gov. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available for inspection at the address noted below. Copies can be obtained by contacting Lenora Frazier at the address and telephone number noted below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Lenora Frazier at the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review, by contacting the person named below.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

CONTACT INFORMATION PERSON

HCD: **Lenora Frazier**
(916) 323-7288

HCD Back-Up: **Dennis Beddard**
(916) 323-7288

HCD Address: **Department of Housing and
Community Development
1800 Third Street, Room
440
Sacramento, California
95814**

HCD Website: Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at www.hcd.ca.gov

HCD Facsimile No: **(916) 323-2815**

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action and any requests for the documents noted above should be made to Lenora Frazier at the following address:

**California Department of Housing and
Community Development
Attention: Lenora Frazier
P.O. Box 952052
Sacramento, California 94252-2052
Telephone (916) 323-7288
Fax (916) 323-2518
lfrazier@hcd.ca.gov**

GENERAL PUBLIC INTEREST

**TITLE 4. CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF SCHEDULING OF
PUBLIC HEARING**

PURSUANT TO GOVERNMENT CODE SECTION 11346.8(a)

**AND EXTENSION OF PUBLIC
COMMENT PERIOD**

**ASSISTANCE TO BINGO PLAYERS
WITH DISABILITIES**

CGCC-GCA-2009-03-C

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) has scheduled a public hearing to receive comments regarding the proposed action described in the Notice of Proposed Regulatory Action duly published in the *California Regulatory Notice Register* on July 10, 2009 (Notice File No. Z-2009-0630-05, Register 2009, No. 28-Z, 07/10/2009), and which is hereby incorporated by reference as if fully set forth herein. Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the action proposed at a public hearing to be held at 10:30 a.m. on October 15, 2009, at 2399 Gateway Oaks Drive, First Floor Hearing Room, Sacramento, CA 95833-4231. This hearing has been scheduled in response to two written requests received within the time period prescribed in Government Code section 11346.8(a).

Beginning July 1, 2009, the Remote Caller Bingo Program is required to be self-funded from application fees. The Commission has not received a sufficient number of applications to conduct remote caller bingo games and does not have funding to cover the expense of this program. As a result, the Commission has, effective July 1, 2009, held this program in abeyance until there is sufficient demand and revenue to cover program costs. This hearing is being scheduled far in advance in order to preserve the Commission's rulemaking options should the program be reactivated in the near future.

PUBLIC COMMENT PERIOD

The written comment period has also been extended. Written comments relevant to the proposed regulatory

action **must be received by the Commission no later than 5:00 p.m. on September 30, 2009.** Comments may be submitted by mail, facsimile, or e-mail, and should be directed to the contact person named below. Written comments will also be accepted at the above referenced hearing.

CONTACT PERSON

All comments and inquiries concerning the substance of the proposed action should be directed to the following contact person:

James B. Allen, Regulatory Actions Manager
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: Jallen@cgcc.ca.gov

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice
For Publication September 11, 2009
PROPOSED RECOVERY ACTIONS FOR A
FULLY PROTECTED SPECIES
Recovery actions for California Black Rail
throughout the Species' Range
(*Laterallus jamaicensis coturniculus*)**

The Department of Fish and Game (Department) has received a proposal from Mr. Darin Busby to conduct California Black Rail (CA BLRA) call-broadcast surveys throughout the species' range to assist in reaching the recovery goals for the species. Mr. Busby may conduct call-broadcast surveys to obtain baseline data for conservation and management of CA BLRA and its habitat and/or to determine potential impacts associated with proposed projects as well as appropriate measures to avoid, minimize, and/or mitigate these impacts to below a level of significance as defined by state and federal environmental laws. Information obtained during these surveys will allow wildlife managers to better monitor the status of CA BLRA and plan towards achieving recovery goals for the species.

For all future projects, Mr. Busby will complete the following:

- 1) CA BLRA will be included during biological reconnaissance surveys for special-status species on future project sites.
- 2) Once a proposed project site is determined to have suitable marsh habitat:

- a. Call-broadcast surveys will follow the most current marsh bird survey protocol (i.e., North American Marsh Bird Survey Protocol [Conway 2009]). This protocol requires intervals of silence along with intervals during which a variety of CA BLRA calls are played. In addition, other sensitive marsh bird species calls may be included during these surveys to better understand the distribution of these species. Any modifications to this protocol will be discussed with the Department during survey planning and prior to survey initiation.
 - b. Prior to survey initiation, the Department will be notified in writing of the survey details, including the proposed project purpose and location, the proposed methodology to be used for the CA BLRA surveys, and any additional pertinent information.
 - c. Habitat within the survey area and at each call-broadcast survey point will be characterized using *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995). Dominant plant species within each survey point as well as other habitat features (i.e., percent of open water, distance to nearest water, vegetation height, and additional wildlife species in the vicinity) will be recorded.
- 3) Positive CA BLRA responses will be recorded in the California Natural Diversity Database. All positive or negative data collected during surveys will be compiled and provided to the Department upon survey completion and during the Scientific Collecting Permit renewal process.

The CA BLRA is a State Fully Protected bird and a State-listed Threatened species. The applicant and any assistants are required to have a Scientific Collecting Permit (SCP) and additional special authorization from the Department to conduct surveys for Fully Protected species.

Pursuant to California Fish and Game Code (FGC) Section 3511, the Department may authorize take of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed activities are consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after October 11, 2009. Contact: Wildlife Branch, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice
For Publication September 11, 2009
PROPOSED RECOVERY ACTIONS FOR A
FULLY PROTECTED SPECIES
Recovery actions for California Black Rail
throughout the Species' Range
(*Laterallus jamaicensis coturniculus*)**

The Department of Fish and Game (Department) has received a proposal from Ms. Melissa Busby to conduct California Black Rail (CA BLRA) call-broadcast surveys throughout the species' range to assist in reaching the recovery goals for the species. Ms. Busby may conduct call-broadcast surveys to obtain baseline data for conservation and management of CA BLRA and its habitat and/or to determine potential impacts associated with proposed projects as well as appropriate measures to avoid, minimize, and/or mitigate these impacts to below a level of significance as defined by State and federal environmental laws. Information obtained during these surveys will allow wildlife managers to better monitor the status of CA BLRA and plan towards achieving recovery goals for the species.

For all future projects, Ms. Busby will complete the following:

- 1) CA BLRA will be included during biological reconnaissance surveys for special-status species on future project sites.
- 2) Once a proposed project site is determined to have suitable marsh habitat:
 - a. Call-broadcast surveys will follow the most current marsh bird survey protocol (i.e., North American Marsh Bird Survey Protocol [Conway 2009]). This protocol requires intervals of silence along with intervals during which a variety of CA BLRA calls are played. In addition, other sensitive marsh bird species calls may be included during these surveys to better understand the distribution of these species. Any modifications to this protocol will be discussed with the Department during survey planning and prior to survey initiation.
 - b. Prior to survey initiation, the Department will be notified in writing of the survey details, including the proposed project purpose and location, the proposed methodology to be used for the CA BLRA surveys, and any additional pertinent information.

- c. Habitat within the survey area and at each call-broadcast survey point will be characterized using *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995). Dominant plant species within each survey point as well as other habitat features (i.e., percent of open water, distance to nearest water, vegetation height, and additional wildlife species in the vicinity) will be recorded.
- 3) Positive CA BLRA responses will be recorded in the California Natural Diversity Database. All positive or negative data collected during surveys will be compiled and provided to the Department upon survey completion and during the Scientific Collecting Permit renewal process.

The CA BLRA is a State Fully Protected bird and a State-listed Threatened species. The applicant and any assistants are required to have a Scientific Collecting Permit (SCP) and additional special authorization from the Department to conduct surveys for Fully Protected species.

Pursuant to California Fish and Game Code (FGC) Section 3511, the Department may authorize take of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed activities are consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after October 11, 2009. Contact: Wildlife Branch, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Esther Burkett.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice

For Publication September 11
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES

Fishery Surveys of the Lower Colorado River,
including Razorback Sucker

The Department of Fish and Game ("Department") received a research proposal March 23, 2009 from Ronald B. Kegerries of Bio-West, Inc. requesting authorization to conduct fishery surveys that may involve the capture and handling of razorback suckers (*Xyrauchen texanus*), a Fully Protected Fish, for research purposes, consistent with the protection and recovery of the species.

The applicant is required to have a Scientific Collecting Permit (SCP) to take protected species of fish. Permit conditions also require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The applicant has the required Scientific Collecting Permit, a valid USFWS Federal Section 10 Permit (Permit Number: TE809232-13), and has applied for a Memorandum of Understanding (MOU) to permit him to collect the razorback sucker, a Fully Protected Species.

The proposed research has been contracted for by the U.S. Bureau of Reclamation (USBR) in support of the multi-stakeholder lower Colorado River Multi-Species Conservation Program (LCR MSCP). The applicant proposes to sample 4-5 sites for backwater habitat site assessments (WQ data, bathymetric mapping, and habitat evaluation) to support conceptual habitat creation plans. Fishery surveys will be conducted at these sites using trammel nets, minnow traps, seines, and dip nets to sample these backwater sites for species presence/absence. All fish collected will be identified as to species, measured to the nearest millimeter of total length, and then released. No fish will be removed from the backwaters. No voucher specimens will be collected. The applicant deems it unlikely that any razorback suckers will be captured in sampling these backwaters in Reaches 5 and 6. Local DFG staff concur that the applicant is unlikely to encounter razorback suckers in this sampling.

However, if razorback suckers are captured, the applicant proposes to tag them, using Passive Integrated Transponder (PIT) tags for the purposes of developing population estimate, migration, and habitat use data, and then immediately release them, in order to minimize handling time and stress on the fish. Detailed prescriptions for handling the razorback suckers are included in the applicant's Federal Permit (TE809232-13). The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. Additional locations and/or methods may be authorized by the Department for future projects.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected fish after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5515 for take of Fully Protected fish, it would issue the authorization on or after October 11, 2009 for an initial term of five years. Because the applicant's federal permit expires on April 26, 2011, the va-

lidity of the MOU after 4/26/2011 is contingent upon successful renewal of the applicant's federal permit.

Contact: Fisheries Branch, Nongame Native Fish Program, 830 S Street, Sacramento, CA 95811, Attn.: Glenn Yoshioka.

**CALIFORNIA DEPARTMENT OF
PUBLIC HEALTH**

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2010

ACTION: NOTICE OF HEARINGS FOR PROPOSED FUNDINGS

SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2009–2010 (FFY 2010).

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 9:00 a.m. on Monday, October 26, 2009 in Room 74.463 (Kings Room) 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7209, P.O. Box 997377, Sacramento, CA., 95899–7377 must receive any written statements or arguments by 5:00 p.m. October 26, 2009 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Retired Annuitant, Prevention 2010 Section, or Kathleen Acree, M.D, Chief, Chronic Disease Control Branch, CDPH, at (916) 552–9900. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

**AVAILABILITY OF INFORMATION
FOR REVIEW**

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., September 11, 2009 through October 26, 2009.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

NOTICE OF PUBLIC COMMENT PERIOD

ON

**AIR TOXICS HOT SPOTS PROGRAM —
Proposed Revisions to the Technical Support
Document for Cancer Potency Factors,
Appendix C — Use of the Toxicity Equivalency
Factor (TEF_{WHO-97} and TEF_{WHO-05}) Scheme
for Estimating Toxicity of Mixtures of
Dioxin-Like Chemicals**

September 1, 2009

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document, *Use of the Toxicity Equivalency Factor (TEF_{WHO-97} and TEF_{WHO-05}) Scheme for Estimating Toxicity of Mixtures of Dioxin-Like Chemicals* to solicit public comment. This is a revision to the previous version which appears as Appendix C of the *Technical Support Document for Cancer Potency Factors*. OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)) and also to explicitly include consideration of possible differential effects on the health of infants, children and other sensitive subpopulations, according to the Children's Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 et seq.). OEHHA in 2009 adopted the revised *Technical Support Document for Cancer Potency Factors* ("the TSD") in response to these statutory requirements.

This draft document is designed to update Appendix C to the TSD, which describes how to estimate risks

from exposure to dioxin-like chemicals. The existing appendix recommends use of a table of Toxicity Equivalence Factors (TEFs) which was published in 1997 by an expert committee convened by the World Health Organization (WHO). In 2005 the WHO committee published a revised table of TEFs, and this version of Appendix C to the TSD is designed to reflect this update and also to review recent scientific literature on this methodology.

We are seeking public comments on this document, following which the document and any comments received, along with OEHHA's response to these comments, will undergo review by the state's Scientific Review Panel on Toxic Air Contaminants.

The draft document became available on the OEHHA Home Page at <http://www.oehha.ca.gov> on August 7, 2009. The availability of the document on this site commenced the public review period. In response to a request from an interested party and the postponement of the Scientific Review Panel meeting, the comment period has been further extended to October 5, 2009.

Please direct any inquiries concerning technical matters or availability of this document to Dr. Andrew G. Salmon at (510) 622-3191 or <mailto:asalmon@oehha.ca.gov>.

Please send comments regarding the document, preferably by email as above, or in writing to:

Dr. Andrew G. Salmon
Chief, Air Toxicology and Risk Assessment Unit
Office of Environmental Health Hazard Assessment
1515 Clay St., 16th Floor
Oakland, CA 94612.

Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board's web page at <http://www.arb.ca.gov/srp/srp.htm>.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE
STATE TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
September 11, 2009

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allylchloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloropropene	542-75-6	January 1, 1989
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
Fumonisin B ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2,4-Hexadienal (89% trans,trans isomer; 11% cis,trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyrin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4'-Methylenedianiline	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)-1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Zalcitabine	7481-89-2	August 7, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminogluthethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
	male		August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
<u>1,3,5-Triglycidyl-s-triazinetriene</u>	<u>male</u>	<u>2541-62-9</u> <u>2451-62-9</u>	<u>August 7, 2009</u>
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: September 11, 2009

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)

NOTICE TO INTERESTED PARTIES
September 11, 2009

CORRECTION TO THE LIST OF CHEMICALS
AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assess-

ment (OEHHA) is making a correction to the list of chemicals as known to the State of California to cause cancer or reproductive toxicity which was published on **August 7, 2009** in the California Regulatory Notice Register (Register 09, No. 32-Z). The chemical, *1,3,5-triglycidyl-s-triazinetriene*, was listed on August 7, 2009 as a chemical known to the State to cause male reproductive toxicity with a Chemical Abstracts Service (CAS) number of 2541-62-9. It was recently brought to OEHHA's attention that the CAS number assigned to the chemical was incorrect. Accordingly, OEHHA revises the listing of the chemical *1,3,5-triglychlyl-s-triazinetriene* with the correct CAS number of 2451-62-9 as a chemical known to the State to cause male reproductive toxicity.

Following is the correct listing for the chemical:

Reproductive toxicity

<i>Chemical</i>	<i>Previously Listed CAS No.</i>	<i>Correct CAS No.</i>	<i>Toxicological Endpoint</i>	<i>Date of Listing</i>
1,3,5-triglycidyl-s-triazinetriene	2541-62-9	2451-62-9	male	August 7, 2009

A complete, corrected chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*.

DECISIONS NOT TO PROCEED

Any interested person with questions concerning this rulemaking should contact Jane Taylor at either (916) 263-0916 or by e-mail at: jane.taylor@dgs.ca.gov.

**CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

NOTICE OF DECISION NOT TO PROCEED
(Pursuant to Government Code Section 11347)

NOTICE OF DECISION NOT TO PROCEED
(Pursuant to Government Code Section 11347)

Pursuant to Government Code Section 11347, CBSC hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), August 28, 2009 (CRNR 2009, No. 35-Z, p. 1436, OAL File Number Z-2009-0818-09.)

CBSC found it necessary not to proceed with the action at this time in order to extend the period of involvement of state agencies, stakeholders, and interested parties in accordance with Government Code Section 11346.45(a) prior to publication of the notice.

Pursuant to Government Code Section 11347, CBSC hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), August 28, 2009 (CRNR 2009, No. 35-Z, p. 1412, OAL File Number Z-2009-0818-08.)

CBSC found it necessary not to proceed with the action at this time in order to extend the period of involvement of state agencies, stakeholders, and interested parties in accordance with Government Code Section 11346.45(a) prior to publication of the notice.

Any interested person with questions concerning this rulemaking should contact Jane Taylor at either (916) 263-0916 or by e-mail at: jane.taylor@dgs.ca.gov.

**DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT****NOTICE OF DECISION NOT TO PROCEED**

Pursuant to Government Code Section 11347, the Department of Housing and Community Development (HCD) hereby gives notice that it has decided not to proceed with the Notice of Proposed Action published in the California Regulatory Notice Register, August 28, 2009 (Register 2009, No. 35-Z, p. 1466, OAL File Number Z2009-0818-24.) The proposed rulemaking concerns the California Green Building Standards Code (CGBC), CCR, Title 24, Part 11.

HCD found it necessary not to proceed with the action at this time in order to extend the period of involvement of state agencies, stakeholders, and interested parties in accordance with Government Code Section 11346.45(a) prior to publication of the notice.

Any interested person with questions concerning this rulemaking should contact Doug Hensel at (916) 445-9471 or by e-mail at: dhensel@hcd.ca.gov.

DIVISION OF THE STATE ARCHITECT**NOTICE OF DECISION NOT TO PROCEED**
(Pursuant to Government Code Section 11347)**DIVISION OF THE STATE ARCHITECT
ACCESS COMPLIANCE (DSA-AC)**

Pursuant to Government Code Section 11347, DSA-AC hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), August 28, 2009 (CRNR 2009, No. 35-Z, p. 1463, OAL File Number Z-2009-0818-13.)

DSA-AC found it necessary not to proceed with the action at this time because it has determined that the action is not regulatory in nature and meets the criteria of a Change Without Regulatory Effect as defined in CCR, Title 1, Division 1, Chapter 1, Article 2, Section 100.

Any interested person with questions concerning this rulemaking should contact Richard Conrad at either (916) 324-7180 or by e-mail at: richard.conrad@dgs.ca.gov or Aaron Noble at either (916) 445-4310 or by e-mail at: aaron.noble@dgs.ca.gov.

DIVISION OF THE STATE ARCHITECT**NOTICE OF DECISION NOT TO PROCEED**
(Pursuant to Government Code Section 11347)**DIVISION OF THE STATE ARCHITECT
STRUCTURAL SAFETY (DSA-SS)**

Pursuant to Government Code Section 11347, DSA-SS hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), August 28, 2009 (CRNR 2009, No. 35-Z, p. 1441, OAL File Number Z-2009-0818-18.)

DSA-SS found it necessary not to proceed with the action at this time in order to extend the period of involvement of state agencies, stakeholders, and interested parties in accordance with Government Code Section 11346.45(a) prior to publication of the notice.

Any interested person with questions concerning this rulemaking should contact Richard Conrad at either (916) 324-7180 or by e-mail at: richard.conrad@dgs.ca.gov or Theresa Townsend at either (916) 445-1304 or e-mail at: theresa.townsend@dgs.ca.gov.

**OFFICE OF STATEWIDE HEALTH
PLANNING AND DEVELOPMENT
(OSHDP)****NOTICE OF DECISION NOT TO PROCEED**
(Pursuant to Government Code Section 11347)

Pursuant to Government Code Section 11347, OSHPD hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), August 28, 2009 (CRNR 2009, No. 35-Z, p. 1425, OAL File Number Z-2009-0818-19.)

OSHPD found it necessary not to proceed with the action at this time in order to extend the period of involvement of state agencies, stakeholders, and interested parties in accordance with Government Code Section 11346.45(a) prior to publication of the notice.

Any interested person with questions concerning this rulemaking should contact Duane Borba at (916) 440-8409 or e-mail at: regsunit@oshpd.ca.gov.

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF MENTAL HEALTH

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

**2009 OAL DETERMINATION NO. 19
(OAL FILE NO. CTU2009-0223-01)**

REQUESTED BY: MICHAEL ST. MARTIN
CONCERNING: Special Order No. 239.02, titled "Contraband" Issued by the Department of Mental Health

**DETERMINATION ISSUED
PURSUANT TO GOVERNMENT CODE SECTION 11340.5.**

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as

defined in Government Code section 11342.600¹ and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations, title 1, section 250.² OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

CHALLENGED RULE

The challenged rule is Special Order No. 239.02, titled "Contraband," attached hereto as Exhibit A. Special Order No. 239.02 (Special Order) states that its purpose is to

. . . classify specific items considered contraband that are prohibited in state hospitals, and establish policy regarding the inspection, search, seizure, reporting and disposition of items considered contraband.

DETERMINATION

OAL determines that the Special Order meets the definition of "regulation," that no express statutory exemption applies, and therefore, the Special Order should have been adopted pursuant to the APA.

FACTUAL BACKGROUND

The Special Order was issued by the Department of Mental Health (Department), and was effective on January 1, 2002. The Special Order requires Executive Directors of individual state hospitals to:

. . . either develop a list of items that are considered contraband, or a list of items that are considered allowable, and make the list available on all treatment units, and all areas of patient and public access within the hospital. The list will also be made available to visitors who visit patients at the state hospitals.

In addition, the Executive Directors are required to adopt policies on specific subjects. Examples of the required policies include:

¹ Unless otherwise specified, all references are to the Government Code.

² As defined by title 1, section 250(a), an "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

1. Procedures that allow the inspection and searching of patients, their property and living areas, all general hospital areas within and outside the secure treatment area, and of staff and visitors, to effectively ensure that contraband is not present.
2. Procedures that deny access to the facility for any individual, employee or visitor who refuses to submit to an inspection or search, or who has a history of attempting to provide and/or providing contraband items to patients.
3. Directives and procedures concerning allowable personal property by patients.
4. A process for the reporting of searches for contraband and when contraband is found.
5. The initiation of a crime report by the hospital police department concerning illegal items found.
6. A process that allows an interdisciplinary note to be entered in a patient's medical chart if contraband is found.

The Special Order requires that the directives, procedures and report forms established by the Executive Directors be consistent with the Special Order.

On February 23, 2009, Michael St. Martin submitted a petition to OAL challenging the Special Order as an underground regulation. OAL accepted the petition for consideration on April 24, 2009. OAL received no public comments and the Department did not submit a response to the petition.

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in section 11342.600 that should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or at-

tempted to enforce an underground regulation is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

ANALYSIS

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a "regulation" subject to the APA. This analysis will determine (1) whether the challenged rule is a "regulation" within the meaning of section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, § 11342, subd. (g)).³

As stated in *Tidewater*, the first element used to identify a "regulation" is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.

The Special Order requires the Executive Directors of state hospitals to take specific actions to control items considered to be contraband. Among other requirements, the Executive Directors must:

- Compile lists of either contraband or allowable items.
- Adopt procedures for the inspection of patients and hospital grounds.

³ Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

- Adopt procedures for the denial of access for any employee or visitor who refuses to submit to a search.
- Adopt procedures for the reporting of searches and the discovery of contraband items.

These requirements to adopt procedures and policies on specific subjects apply to all Executive Directors of state hospitals. Executive Directors of state hospitals are a clearly defined class of persons. In addition, the policies and procedures adopted by the Executive Directors will ultimately apply to employees, patients and visitors of the state hospitals. These are also clearly defined classes of persons. Because the Special Order applies to these clearly defined classes of persons, the first element used to identify a “regulation” is met.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

Welfare and Institutions Code section 4100 states that the Department has jurisdiction over the five state hospitals in California:

- Atascadero State Hospital.
- Coalinga State Hospital.
- Metropolitan State Hospital.
- Napa State Hospital.
- Patton State Hospital.

Welfare and Institutions Code section 4101 requires that:

...all of the institutions under the jurisdiction of the State Department of Mental Health shall be governed by uniform rule and regulation of the State Department of Mental Health and all of the provisions of this chapter shall apply to the conduct and management of such institutions.

The Special Order requires every Executive Director to:

...either develop a list of items that are considered contraband, or a list of items that are considered allowable, and make the list available on all treatment units, and all areas of patient and public access within the hospital. The list will also be made available to visitors who visit patients at the state hospitals.

The Special Order establishes the required content of the rules dealing with contraband at each of the state hospitals under the jurisdiction of the Department. The Executive Directors are required to adopt specific policies and procedures that must be consistent with the provisions in the Special Order. The policies required to be adopted by the Executive Directors are the uniform rules and regulations required by Welfare and Institu-

tions Code section 4101 for the governance of state hospitals under the jurisdiction of the Department. The Special Order, therefore, implements, interprets and makes specific Welfare and Institutions Code sections 4100 and 4101. The second element used to identify a “regulation” is met. The Special Order, therefore, meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

One exemption which could arguably apply to the Special Order is found in Government Code section 11340.9:

[The APA] does not apply to any of the following:

...

(d) A regulation that relates only to the internal management of the state agency.

The internal management exemption has been judicially determined to be narrow in scope.⁴ The courts apply a two prong analysis of the “internal management” exemption:

- (1) The “regulation” at issue affects only the employees of the issuing agency,⁵ and
- (2) The “regulation” at issue does not address a matter of serious consequence involving an important public interest.⁶

The Special Order is directed towards the Executive Directors of the state hospitals. The Executive Directors are employees of the Department. In addition to the employees of the state hospitals, the Special Order affects patients of the state hospitals and visitors who must comply with the policies and procedures required by the Special Order. The Special Order, therefore, does not meet the first prong for the internal management exemption and is, therefore, not exempt from the requirements of the APA pursuant to the internal management exemption.

⁴ *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 436, 268 Cal.Rptr 244, 252–253.

⁵ See *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 149 Cal.Rptr. 1; *Stoneham v. Rushen (Stoneham I)* (1982) 137 Cal.App.3d 729, 188 Cal.Rptr. 130; *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 107 Cal.Rptr. 596.

⁶ See *Poschman, supra*, 31 Cal.App.3d at 943, 107 Cal.Rptr. at 603; and *Armistead, supra*, 22 Cal.3d at 203–204, 149 Cal.Rptr. at 3–4.

The Department has not identified an express statutory exemption from the APA that would apply to the Special Order, nor did OAL find such an exemption.

CONCLUSION

In accordance with the above analysis, OAL determines that the Special Order meets the definition of "regulation" that no express statutory exemption applies, and therefore, the Special Order should have been adopted pursuant to the APA.

Date: August 26, 2009 /s/
SUSAN LAPSLEY
Director

/s/
Kathleen Eddy
Senior Counsel

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0721-02
AIR RESOURCES BOARD
Aftermarket Parts Highway Motorcycles 2008

This rulemaking establishes an exemption process for aftermarket critical emission control parts for highway motorcycles. The rules exempt aftermarket parts from the requirements of California Vehicle Code sections 27156 and 38391, which prohibit the sale and installation of emission control parts that alter the original emission control design, as long as the aftermarket parts comply with the testing procedure adopted and incorporated by reference in this rulemaking action.

Title 13
California Code of Regulations
AMEND: 2222
Filed 09/01/2009
Effective 10/01/2009
Agency Contact: Amy Whiting (916) 322-6533

File# 2009-0721-01
AIR RESOURCES BOARD
Small Containers of Automotive Refrigerant

This action will limit sales of small containers of automotive refrigerant that have high global warming potential by restricting the containers to approved designs that have a valve to prevent the escape of unused refrigerant, establishing a deposit and refund system to stimulate return of containers after use, requiring the recovery of residual refrigerant from the small containers, and establishing record keeping and periodic reporting requirements for data that can be used to assess the success of the regulatory program in limiting the escape of refrigerants.

Title 17
California Code of Regulations
ADOPT: 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370
Filed 09/01/2009
Effective 10/01/2009
Agency Contact: Amy Whiting (916) 322-6533

File# 2009-0828-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This regulatory action adds all of Los Angeles County to the area quarantined to help prevent the spread of the Asian Citrus Psyllid (ACP), associated bacteria, and Citrus Greening (CG) disease. The CG disease kills citrus crops and there is no cure for it. The potential for damage is measured in many millions of dollars.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 09/01/2009
Effective 09/01/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0825-03
DEPARTMENT OF FOOD AND AGRICULTURE
Mexican Fruit Fly Eradication Area

This regulatory action adds the counties of Sacramento and Yolo to the list of counties where the Department of Food and Agriculture will work to eradicate the Mexican fruit fly (*Anastrepha ludens*). The Department proposes to conduct eradication measures in these counties to combat this pest, known to be detrimental to crops. The Mexican fruit fly attacks the fruit of various plants, including citrus, apples, peaches, pears and many others. It has recently been found in Sacramento County.

Title 3
California Code of Regulations
AMEND: 3588
Filed 08/27/2009
Effective 08/27/2009
Agency Contact:
Susan McCarthy (916) 654-1017

File# 2009-0824-04
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This is a readoption of two emergency amendments concerning the light brown apple moth (LBAM; *Epi-
phyas postvittana*). The first matter (OAL File No.
09-0127-01 E) concerned the expansion of a regulated
area in Bay Area counties. The second matter (OAL
File No. 09-0217-01 E) concerned the expansion of the
regulated areas in Monterey, San Mateo and Santa Clara
counties.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 08/28/2009
Effective 08/28/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0825-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This regulatory action adds all of Orange County to
the area quarantined to help prevent the spread of the
Asian Citrus Psyllid (ACP), associated bacteria, and
Citrus Greening (CG) disease. It also declares as hosts
any citrus fruit in bulk containers/bins or any other cit-
rus fruit with leaves and stems attached.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 08/27/2009
Effective 08/27/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0715-04
DEPARTMENT OF PESTICIDE REGULATION
Miscellaneous

Department of Pesticide Regulation proposed
amendments to title 3 regulations as changes without
regulatory effect under Section 100. The proposed ac-
tion included amendments to six forms and updating the
title 3 regulations that incorporate the forms by refer-

ence. Two of these forms and related amendment to title
3, section 6626(c) were withdrawn from this action.

Title 3
California Code of Regulations
AMEND: 6400, 6502, 6620, 6626(a)-(b), 6626(c),
6627, 6670, 6672, 6736, and incorporated by refer-
ence forms
Filed 08/26/2009
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2009-0819-02
DEPARTMENT OF SOCIAL SERVICES
Division 31, Grievance Review Procedures

This emergency regulatory action introduces the use
of three new forms, establishes the requirements for no-
tifying individuals of their listing on the Child Abuse
Central Index (CACI), a child abuse registry main-
tained by the California Department of Justice, and es-
tablishes the procedures for requesting, scheduling, and
conducting a grievance hearing and appealing the deci-
sion of a grievance hearing. These regulations also es-
tablish factors to be considered when determining
whether to temporarily place a child in a home where a
relative or non-related extended family member, who is
on the CACI list, lives. Additionally, these regulations
deal with special requirements for reporting child abuse
and neglect to the California Department of Justice.

Title MPP
California Code of Regulations
ADOPT: 31-021 AMEND: 31-003, 31-410,
31-501
Filed 08/31/2009
Effective 08/31/2009
Agency Contact: Sandra Ortega (916) 657-2586

File# 2009-0720-01
EMPLOYMENT DEVELOPMENT DEPARTMENT
Family Temporary Disability Insurance Benefits Pend-
ing Appeal

The Employment Development Department (De-
partment) adopted California Code of Regulations, title
22, section 2706-7, in order to establish the require-
ments and proper regulatory references when determin-
ing whether a claimant is eligible or ineligible to receive
payment of Family Temporary Disability Insurance
(also known as the Paid Family Leave program) bene-
fits pending an appeal.

Title 22
California Code of Regulations
ADOPT: 2706-7
Filed 08/31/2009
Effective 09/30/2009
Agency Contact: Laura Colozzi (916) 654-7712

File# 2009-0720-03

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Medical Services and First Aid

A petition was submitted to OSHSB by an individual seeking to amend the medical services/first aid availability regulations. OSHSB accepted the proposal and amends Section 3400 to add further clarification as to what is required of employers with respect to employee access to prompt medical treatment for injury or illness.

Among the changes are the following:

1. Expands the requirement that "effective provisions be made in advance for prompt medical treatment" in the event of injury and illness to all employers and not just those in isolated locations.

2. Provides for 3 options (or any combination thereof) for accomplishing the effective provision for prompt medical treatment. They are:

A. An effective communication system for access to care;

B. On-site treatment facilities "suitable for treatment of reasonably anticipated injury or illness."

C. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Title 8

California Code of Regulations

AMEND: 3400

Filed 08/27/2009

Effective 09/26/2009

Agency Contact: Marley Hart (916) 274-5721

File# 2009-0720-04

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD

Foot Protection

This regulatory action revises the name of a document incorporated by reference in 8 CCR 3385 to specify that ANSI Z41-1999 American National Standard for Personal Protection — Protective Footwear is one of two standards applicable to protective footwear purchased on or before January 26, 2007.

Title 8

California Code of Regulations

AMEND: 3385

Filed 08/31/2009

Effective 09/30/2009

Agency Contact: Marley Hart (916) 274-5721

File# 2009-0806-05

STATE ALLOCATION BOARD

Emergency Repair Program Regulatory Amendments

The purpose of this rulemaking is to amend Title 2, sections 1859.302, 1859.324.1, 1859.330 and two in-

corporated forms of the California Code of Regulations. This rulemaking also adopts section 1859.324.2. The proposed adoption and amendments would make changes to the Emergency Repair Program by requiring Local Education Agencies (LEAs) to return any savings, including any interest earned on Grant funds to the State immediately upon submission of the SAB 61-04 form. Previously the LEAs had 60 days after a recommendation by the Board. This quicker turnaround will provide more money in the coffer for projects. LEAs are also given more time to complete the emergency repair or replacement and to submit the SAB 61-04. This rulemaking also amends two forms incorporated by reference, the SAB 61-03 and the SAB 61-04.

Title 2

California Code of Regulations

ADOPT: 1859.324.2 AMEND: 1859.302,
1859.324.1, 1859.330

Filed 08/31/2009

Effective 08/31/2009

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**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN April 1, 2009 TO
September 2, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

08/31/09 ADOPT: 1859.324.2 AMEND:
1859.302, 1859.324.1, 1859.330

08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1
AMEND: 647.1, 647.2, 647.3, 647.4,
647.20, 647.20.1, 647.22, 647.23,
647.24, 647.26, 647.30, 647.31, 647.32,
647.33, 647.35, 647.38 REPEAL:
647.25, 647.34

07/30/09 ADOPT: 1899.570, 1899.575, 1899.580,
1899.585

07/20/09 ADOPT: 721

07/07/09 AMEND: 18450.4

07/06/09 AMEND: 18940.2

06/15/09 ADOPT: 18746.4 AMEND: 18741.1,
18746.1, 18746.3

06/12/09 ADOPT: 649.14, 649.17, 649.18, 649.23,
649.25, 649.29, 649.32, 649.33, 649.48
AMEND: 647.4, 649, 649.2, 649.4,

649.7, 649.8, 649.11, 649.12, 649.13,
649.15, 649.16, 649.22, 649.24, 649.26,
649.27, 649.28, 649.30, 649.31, 649.35,
649.36, 649.50, 649.51, 649.57, 649.58,
649.59, 649.62 REPEAL: 649.3, 649.6,
649.9, 649.10, 649.14, 649.23, 649.25
06/09/09 ADOPT: 18405
06/01/09 ADOPT: 250.1
05/21/09 AMEND: 18705.1
05/14/09 ADOPT: 21000, 21001, 21002, 21003,
21004, 21005, 21006, 21007, 21008,
21009
05/08/09 ADOPT: 18410 AMEND: 18402
04/30/09 AMEND: 1859.129, 1859.197
04/28/09 AMEND: div. 8, ch. 111, section 59560

Title 3

09/01/09 AMEND: 3435(b)
08/28/09 AMEND: 3434(b)
08/27/09 AMEND: 3435(b)
08/27/09 AMEND: 3588
08/26/09 AMEND: 6400, 6502, 6620,
6626(a)–(b), 6626(c), 6627, 6670, 6672,
6736, and incorporated by reference
forms
08/20/09 AMEND: 3406(b)
08/20/09 AMEND: 3591.13(a)
08/13/09 AMEND: 3434(b)
08/13/09 AMEND: 6618, 6619, 6761.1, 6770,
6771
08/12/09 ADOPT: 902.15
08/07/09 AMEND: 3406(b)
08/05/09 AMEND: 3434(b), 3434(c)
08/04/09 AMEND: 3423(b)
07/31/09 ADOPT: 3436
07/24/09 AMEND: 3434(b)
07/22/09 ADOPT: 3591.23
07/22/09 AMEND: 3406(b)
07/21/09 AMEND: 3591.2(a)
07/20/09 AMEND: 3591.20(a)
07/13/09 AMEND: 625
07/07/09 AMEND: 3435
07/02/09 AMEND: 3423(b)
06/30/09 AMEND: 3434(b)
06/22/09 AMEND: 3434(b)
06/19/09 AMEND: 3591.20(a)
06/15/09 AMEND: 3406(b)
06/15/09 AMEND: 3434(b)
06/01/09 AMEND: 3406(b)
06/01/09 ADOPT: 3408
05/26/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/20/09 AMEND: 3434(b)
05/13/09 AMEND: 6800
05/04/09 AMEND: 3434(b)

04/27/09 AMEND: 3434(b)
04/20/09 AMEND: 6452.2

Title 4

08/25/09 ADOPT: 12380, 12381, 12384, 12385,
12386 AMEND: 12360
08/04/09 AMEND: 1853
07/31/09 AMEND: 10020
07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055,
7056, 7057, 7058, 7059, 7060, 7061,
7062, 7063, 7064, 7065, 7066, 7067,
7068, 7069, 7070, 7071
07/21/09 AMEND: 1979, 1979.1
07/21/09 REPEAL: 1950.1
06/25/09 ADOPT: 12486
06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072,
8076, 8078
06/04/09 AMEND: 106
05/18/09 ADOPT: 12488, 12508, 12510, 12511,
12514 AMEND: 12480, 12486
05/18/09 ADOPT: 12482
05/12/09 AMEND: 406
05/12/09 ADOPT: 12591
04/24/09 ADOPT: 12480, 12492, 12494, 12496,
12498, 12499, 12501, 12502, 12504
AMEND: 12482
04/24/09 AMEND: 12482

Title 5

08/20/09 ADOPT: 19825.1 AMEND: 19816,
19816.1, 19825, 19825.1 (renumber to
19825.2)
07/21/09 ADOPT: 43200
07/21/09 ADOPT: 43220
07/21/09 AMEND: 42920
07/21/09 ADOPT: 40411
07/09/09 AMEND: 18100
07/03/09 ADOPT: 80027.1, 80048.7 AMEND:
80027
06/29/09 ADOPT: 19821.5, 19825.1, 19828.4,
19837.3, 19839, 19845.2 AMEND:
19815, 19816, 19816.1, 19828.3,
19837.2, 19845.1, 19846
05/28/09 AMEND: 9521
05/11/09 AMEND: 80023, 80024.4, 80024.5,
80024.6, 80025.5, 80026, 80026.1,
80026.6, 80034.5 REPEAL: 80024.3,
80026.4, 80042, 80042.5, 80569
05/11/09 AMEND: 24002, 24003, 24005
05/07/09 ADOPT: 3090, 3090.1, 3091, 3092,
3093, 3094, 3095, 3096, 3096.1, 3096.2,
3097, 3098, 3098.1, 3098.2, 3099
04/30/09 ADOPT: 26000

Title 8

08/31/09 AMEND: 3385

08/27/09	AMEND: 3400	2359.8 renumbered to 2355.5 REPEAL:
07/31/09	AMEND: 1637, 1646	2355.1, 2355.2, 2355.3, 2355.4, 2355.5,
07/27/09	AMEND: 5006.1	2355.6, 2355.7, 2355.8, 2356.1, 2356.2,
07/24/09	AMEND: 3466	2356.3, 2356.4, 2356.5, 2356.6, 2356.7,
07/23/09	AMEND: 1598, 1599	2356.8, 2356.9, 2357.1, 2357.2, 2357.3,
07/06/09	ADOPT: 5199	2357.4, 2357.5, 2357.6, 2357.7, 2357.8,
07/06/09	ADOPT: 5199.1	2357.9, 2357.10, 2357.11, 2357.12,
06/22/09	AMEND: 230.1	2357.13, 2357.14, 2357.15, 2357.16,
06/18/09	ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23	2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.5, 2359.6
05/01/09	AMEND: 3030, 3037, 3089, 3097, 3098, 3101, 3107	07/29/09 ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
05/01/09	AMEND: 4530	07/14/09 ADOPT: 2359.8
04/20/09	AMEND: 10100.2, 10101.1, 10103.2, 10104, 10105, 10106.1, 10106.5, 10107.1, 10108, 10109, 10111.1, 10111.2, 10112, 10113.4, 10113.5, 10114.2, 10115, 10115.1, 10115.2	07/09/09 AMEND: 2797
04/06/09	ADOPT: 227, 314, 389 AMEND: 281, 303, 323, 368, 523	07/06/09 AMEND: 250.30
04/01/09	ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742	06/24/09 AMEND: 2498.4.9 06/24/09 AMEND: 2498.4.9 06/24/09 AMEND: 2498.4.9 06/24/09 AMEND: 2498.4.9 06/01/09 ADOPT: Article 1, 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, Article 2, 2031.7, 2031.8, Article 3, 2031.9, Article 4, 2031.10 06/01/09 ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 06/01/09 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 05/29/09 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507 05/12/09 AMEND: 2716.1, 2790.1.5, 2810.5 05/01/09 AMEND: 2699.6603
Title 9		Title 11
08/04/09	AMEND: 7331	05/21/09 AMEND: 1005, 1007, 1008
06/29/09	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533	04/17/09 AMEND: 30.1
06/26/09	ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212	04/01/09 ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018 04/01/09 ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002
Title 10		Title 13
08/19/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809	09/01/09 AMEND: 2222
08/04/09	ADOPT: 2355.1, 2355.2 AMEND: 2359.4 amended and renumbered to 2355.3, 2359.7 renumbered to 2355.4,	08/24/09 AMEND: 2193 08/12/09 AMEND: 2020(b) 07/29/09 AMEND: 599 07/17/09 AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448 06/29/09 AMEND: 2702, 2704 06/16/09 AMEND: 1239

06/04/09	ADOPT: 2340, 2341, 2342, 2343, 2344, 2345	1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272
05/22/09	ADOPT: 225.38 AMEND: 225.00, 225.03, 225.06, 225.09, 225.21, 225.35, 225.45, 225.48, 225.54, 225.72	04/02/09 ADOPT: 3334 AMEND: 3000
Title 13, 17		
05/29/09	ADOPT: Title 13: 2299.2, Title 17: 93118.2 AMEND: Title 13: 2299.1, Title 17: 93118	
Title 14		
08/25/09	AMEND: 257, 300, 311, 313	
08/24/09	ADOPT: 749.4	
07/14/09	AMEND: 124	
07/13/09	AMEND: 163	
06/23/09	AMEND: 3959(b)(4)	
06/23/09	ADOPT: 4351.1 AMEND: 4351	
06/16/09	AMEND: 753.5	
06/15/09	AMEND: 27.80	
06/12/09	AMEND: 265, 353, 360, 361, 362, 363, 364, 555, 708	
06/02/09	AMEND: 7.50(b)(91.1)	
05/26/09	AMEND: 7.00, 7.50	
05/21/09	AMEND: 7.50(b)(178)	
05/15/09	AMEND: 790, 818.02, 827.02	
05/14/09	ADOPT: 874.2.5 AMEND: 790, 873.1, 873.2, 873.4, 873.5, 873.7, 874.2, 877.2, 877.3 REPEAL: 873.3	
05/13/09	AMEND: 25201	
05/07/09	AMEND: 25201	
05/04/09	AMEND: 670.5	
04/27/09	ADOPT: 749.5	
04/08/09	AMEND: 2245, 2320	
Title 15		
08/18/09	ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892	
08/11/09	AMEND: 2253	
08/11/09	ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1	
07/28/09	ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375	
06/17/09	ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740	
06/17/09	ADOPT: 3099	
05/12/09	AMEND: 3000, 3190, 3375, 3376.1, 3379	
05/04/09	AMEND: 3335(d)(3)	
04/20/09	AMEND: 1004, 1006, 1007, 1008, 1012, 1013, 1018, 1027, 1028, 1029, 1032, 1040, 1044, 1045, 1046, 1055, 1056, 1059, 1063, 1066, 1082, 1101, 1105,	
		1144, 1151, 1161, 1209, 1217, 1230, 1241, 1243, 1245, 1247, 1262, 1272
		04/02/09 ADOPT: 3334 AMEND: 3000
		Title 16
		08/24/09 AMEND: 4161
		08/11/09 AMEND: 2504.1, 2517.5, 2537, 2540.6, 2564.1, 2575.5, 2590, 2592.6
		08/05/09 AMEND: 995
		08/05/09 AMEND: 1399.15
		08/04/09 ADOPT: 1773.5 AMEND: 1773
		07/28/09 AMEND: 4110
		07/27/09 AMEND: 4130
		07/24/09 AMEND: 1391.10, 1391.12
		07/24/09 AMEND: 1387, 1387.6
		07/17/09 AMEND: 1999.5
		06/26/09 ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623
		06/26/09 AMEND: 426.51
		06/16/09 AMEND: 1524
		06/12/09 AMEND: 2021, 2068.5, 2068.6 REPEAL: 2067, 2068
		06/03/09 AMEND: 1888
		06/02/09 AMEND: 1419, 1419.1, 1419.3
		05/20/09 ADOPT: 1815 AMEND: 1886.40
		04/28/09 AMEND: 1524
		04/27/09 AMEND: 1760
		04/03/09 AMEND: 3830
		Title 17
		09/01/09 ADOPT: 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370
		08/19/09 ADOPT: 100081
		08/13/09 AMEND: 6500.74, 6500.77
		06/18/09 AMEND: 94508, 94509, 94510, 94512, 94513, 94515
		04/24/09 AMEND: 30100, 30346.1, 30373
		Title 18
		07/30/09 AMEND: 1668
		06/04/09 AMEND: 1532, 1533.1, 1533.2, 1534, 1535
		05/21/09 AMEND: 25114
		05/12/09 AMEND: 1502
		04/29/09 AMEND: 1591
		04/06/09 ADOPT: 25113 AMEND: 25111
		Title 20
		08/03/09 AMEND: 1670, 1671, 1672, 1673, 1674, 1675
		07/10/09 AMEND: 1601, 1602, 1604, 1605.3, 1606
		07/10/09 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608

06/23/09	AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2	Title 23	08/05/09	ADOPT: 3959.2
06/04/09	AMEND: 1.4, 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.14, 1.15, 1.16, 2.3, 2.6, 3.2, 3.6, 8.1, 8.2, 8.3, 11.6, 13.9, 14.2, 14.3, 14.6, 15.2, 17.3, 17.4, 18.1		07/09/09	ADOPT: 3959.3
04/22/09	ADOPT: 3100, 3101, 3101.5, 3102, 3103, 3104, 3105, 3106, 3107, 3108		06/25/09	ADOPT: 3989.8
Title 21			06/16/09	ADOPT: 3939.36
06/22/09	ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711		06/01/09	ADOPT: 2631.2
05/14/09	AMEND: 1554, 1556	Title 25	05/14/09	ADOPT: 2920
Title 22			08/19/09	ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216
08/31/09	ADOPT: 2706-7		05/22/09	ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
07/31/09	AMEND: 80001, 85002 and 85068.4		05/20/09	AMEND: 8217
07/23/09	AMEND: 120201		05/13/09	ADOPT: 6932 REPEAL: 6932
07/22/09	AMEND: 51529		05/07/09	ADOPT: 6932 REPEAL: 6932
07/20/09	AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47	Title 27		
07/13/09	AMEND: 66273.3, 66273.39		07/23/09	AMEND: 25204
06/17/09	AMEND: 926-3, 926-4, 926-5		04/07/09	AMEND: 25705(b)
05/21/09	AMEND: 2601-1	Title MPP		
04/21/09	AMEND: 51543		08/31/09	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
			07/06/09	ADOPT: 31-003, 31-502 AMEND: 31-002
			06/29/09	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306